

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24629 of 2018

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Arvind Singh S/o Ramdas Singh R/o Village- Tetarpur, Police Station-Tekari,
Panchanpur, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the Commissioner, Magadh Division, Gaya.
2. The District Magistrate, Gaya
3. The Sub Divisional Officer, Tekari, Gaya
4. The Block Supply Officer, Tekari, Gaya
5. That Marketing Officer, Tekari, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2
For the Respondent/s : Mr.Arvind Ujjwal -Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 4 14-02-2020 The present writ petition has been filed for quashing the order dated 9.12.2017 passed by the Sub-Divisional Officer, Tekari, Gaya whereby and whereunder the PDS licence of the petitioner, bearing License No. 59 of 2016, has been cancelled.
2. The short point raised by the petitioner in the present case is that the petitioner was granted only 48 hours' time, vide notice dated 16.6.2017, to submit his show cause reply which, in any view of the matter, is inadequate and amounts to denial of reasonable opportunity for the purposes of submitting his defence, hence, in turn, has resulted in non-compliance of the principles of natural justice, thus, the order impugned is fit to be set aside on this ground alone. Reference in this regard has been



made to a judgment reported in **2013 (1) PLJR 718 (Smt. Fulpati Devi vs. The State of Bihar & Ors.)**.

3. The learned counsel for the State has not denied that only 48 hours notice was given to the petitioner herein to file his show cause reply.

4. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the judgment passed in the case of **Smt. Fulpati Devi** (supra), I deem it fit and proper to allow the present writ petition. Accordingly, the order dated 9.12.2017 passed by the Sub-Divisional Officer, Tekari, Gaya stands quashed.

5. It is needless to state that the Sub-Divisional Officer, Tekari, Gaya would be at liberty to proceed afresh in accordance with law after granting appropriate and reasonable opportunity to the petitioner herein.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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