

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23425 of 2018

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Shailendra Ram S/o Karan Mochi Resident of Village- Jamuawan, P.S.
Dhandhar, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Consumer Protection Department, Old Secretariate, Patna.
2. The Sub- Divisional Officer, Sadar, Gaya.
3. The Block Supply Officer, Tankuppa, Gaya.
4. The Circle Officer, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Anand
For the Respondent/s	:	Mr.S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 20-02-2020 The present writ petition has been filed for quashing the order dated 09.11.2017 passed by the Sub-Divisional Officer, Sadar, Gaya, whereby and whereunder the license of the P.D.S. shop of the petitioner has been cancelled.

The learned counsel for the petitioner has raised short issue to the effect that a bare perusal of the show cause notice dated 14.07.2017, would show that only three days have been granted to the petitioner to reply to the show cause notice which by any stretch of imagination is not sufficient and has resulted in denial of reasonable opportunity to the petitioner to put forth his wholesome defence, hence the impugned order dated 09.11.2017 is fit to be set aside on the ground of non-adherence to the



principles of natural justice. 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.)**.

The learned counsel for the State has not been able to controvert the fact that only three days were granted to the petitioner to submit his reply to the show cause notice dated 14.07.2017.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties as also taking into account the judgment rendered by this Court in the case of Smt. Fulpati Devi (supra), this Court finds that since in the present case also reasonable opportunity has not been granted to the petitioner to submit his defence inasmuch as only three days were granted for filing reply to the show cause notice, the impugned order cannot be sustained in the eyes of law being contrary to the principles of natural justice, hence is quashed. However, the Sub-Divisional Officer, Sadar, Gaya would be at liberty to proceed afresh in the matter.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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