

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5664 of 2020

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Kameshwar Singh Son of Late Jagdish Singh, Resident of Village-
Piprahaiyan, P.S.-Ara Mufassil, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Ara.
2. The Sub-Divisional Officer, Sadar Ara, District-Bhojpur at Ara.
3. The Block Supply Officer cum Assistant Director Supply Officer Udwant Nagar, District-Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, GP-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-06-2020

Heard Mr. N.K. Agarwal, learned Senior Advocate

for the petitioner and Mr. Prashant Pratap, learned GP-2

for the State.

This petition has been filed against the order dated 04.05.2020 passed by the learned Sub-Divisional Officer, Sadar, Ara whereby the P.D.S. license of the petitioner has been cancelled.

The sole ground urged in the petition is that the order was passed without any show cause notice to him. The aforesaid factual averment has been contested by the



learned Advocate for the State and in the counter affidavit, it has been stated that show cause notice was served upon the petitioner on 30.04.2020.

However, from a perusal of the show cause notice, it appears that only 24 hours was given to the petitioner to represent and show his bonafides. That he did not respond to the aforesaid show cause notice is admitted.

The impugned order has been passed on 04.05.2020.

This Court, therefore, is of the view that the petitioner did not have sufficient opportunity to explain his cause.

Be that as it may, in order to meet the ends of justice, the order dated 04.05.2020 is set aside and the matter is remanded to the learned Sub-Divisional Officer, Sadar, Ara to decide it afresh.

The petitioner shall file his reply to the show cause already served upon him within a period of eight



weeks from today along with a copy of this order. On receipt of the same, the learned Sub-Divisional Officer, Sadar, Ara shall pass an order on such representation within a further period of six weeks thereafter.

In the meantime, the license of the petitioner shall remain cancelled.

With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	25.06.2020
Transmission Date	

