

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23771 of 2019

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Jai Prakash Uraon S/o Sita Ram Uraon, Resident of Village- Mahuaa, P.S.-
Semra P.O.- Tribhuwani, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply, Govt. of Bihar, New Secretariat, Patna.
2. The District Magistrate, West Champaran, Bettiah
3. The Sub Divisional Officer, Bagha, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-12-2020 Heard Mr. Sanjeev Kumar Mishra, learned counsel for

the petitioner and Mr. Upendra Pratap Singh, learned AC to SC

4 through Video Conferencing.

2. The petitioner filed this writ petition for quashing
the order dated 24.06.2016 passed by the Sub-Divisional
Officer, Bagaha, West Champaran by which the licence of the
petitioner has been cancelled and further for quashing the order
dated 19.08.2019 whereby the appeal of the petitioner has been
dismissed on the ground of delay.

3. Learned counsel for the petitioner submits that by
notice dated 18.08.2015 the petitioner was called upon to file
show-cause within three days but the petitioner did not file any
show-cause and without giving any further opportunity to the



petitioner, the licence of the petitioner was cancelled. It is further submitted that three days time is not sufficient to file show-cause and the petitioner was not allowed further time to file show-cause. The appeal of the petitioner has also been rejected on the ground of delay and not on merit.

4. Having considered the submissions of both sides and on perusal of the record, it appears that the Block Supply Officer, Bagaha inspected the shop of the petitioner and submitted report about irregularities committed by the petitioner but by order dated 18.08.2015 the petitioner was directed to file show-cause within three days. The petitioner was not informed and he could not be able to submit his show-cause within three days. Only three days time is not sufficient to file show-cause and, therefore, the Sub-Divisional Officer should have issued further notice calling upon the petitioner to file show-cause. On this ground alone, I find that no sufficient opportunity was given to the petitioner to file show-cause. Therefore, the order passed by the Sub-Divisional Officer cancelling the licence of the petitioner is illegal. The order of the appellate authority dismissing the appeal of the petitioner on the ground of limitation is also not proper and legal as the appeal should have been disposed of on merit. Thus, the order dated 24.06.2016



passed by the Sub-Divisional Officer, Bagaha, West Champaran and the order dated 19.08.2019 passed by the Collector, Bettiah (West Champaran) are set aside. The matter is remitted to the Sub-Divisional Officer, Bagaha, West Champaran to decide the matter afresh in accordance with law within three months from the date of receipt of this order.

5. Accordingly, this writ petition is allowed.

(Prabhat Kumar Jha, J)

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