

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5295 of 2021

=====

Umesh Das S/o Rambriksh Das Resident of Ambedkar Nagar, P.s.- Belaganj,
District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna
2. The Sub Divisional Officer, Sadar, Gaya
3. The Block Supply Officer, Belaganj, Gaya

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate
For the Respondent/s : Mr.Lalit Kishore, A.G.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Petitioner has prayed for the following relief(s):-

“That the present writ application is being filed on behalf of the petitioner for challenging the order dated 02.12.2020 passed by learned S.D.O. Sadar Gaya, fully contained in Memo No. I IO7 whereby and whereunder the PD S License granted to the petitioner being License No. 7 L / L8 was cancelled basically on the ground that the supervision report as submitted by D.S.P and the investigation is yet not completed.”

Having heard learned counsel for the parties, we are of the considered view that the impugned order dated 02.12.2020 passed by the S.D.O. Sadar Gaya, needs to be



quashed solely on the ground that the petitioner was not afforded adequate opportunity to respond to the show cause notice dated 06.06.2020, the basis on which the impugned order was passed.

As per the notice to show cause, petitioner was afforded only three days time to respond, which, in the attending facts and circumstances, we find to be too short, more so, for the reason that an F.I.R. in relation to the agreement, in question, stood registered against the petitioner, which precluded him from responding to the show cause notice and taking appropriate action. He was also prevented from seeking proper legal aid.

As such, on this short ground alone, we quash and set aside the impugned order dated 02.12.2020 passed by learned S.D.O. Sadar Gaya, clarifying that petitioner's license shall continue to remain suspended till such time a fresh order is passed by the authority.

Learned counsel for the petitioner states that petitioner shall make himself available in the office of S.D.O. Sadar Gaya on 30.12.2021 at 10:00 A.M., on which date the petitioner shall file reply to show cause also placing on record entire material in support of their contention.



Learned counsel for the State states that after affording due opportunity of hearing, the authority concerned shall take a decision expeditiously and preferably within a period of eight weeks thereafter.

Statement accepted and taken on record.

(a) Petitioner shall approach the authority concerned i.e. Respondent No. 2, namely, The Sub Divisional Officer, Sadar, Gaya by filing a reply to the show cause notice for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of eight weeks from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such reply, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in



accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

