

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4344 of 2020

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Sunil Rajak S/o Munar Rajak Resident of Jamuaon, P.s.- Sandesh, District-
Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Ara, Bhojpur
2. The District Supply Officer, Ara, Bhojpur
3. The Sub Divisional Officer, Ara, Bhojpur
4. The Block Supply Officer, Sandesh, Bhojpur
5. The Supply Inspector, Sandesh, Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha
For the Respondent/s : Mr.S. Raja Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-02-2021 The present writ petition has been filed seeking quashing of the order dated 16.01.2020 passed by the Sub-Divisional Officer, Bhojpur at Ara whereby and whereunder the licence of the PDS shop of the petitioner bearing License No. 02 of 2017 has been cancelled.

The short point raised by the learned counsel for the petitioner is that a show cause notice dated 11.01.2020 was issued to the petitioner, however, only two days' time was granted to file his reply, which, in any view of the



matter, is insufficient, hence, on this ground alone, the impugned order dated 16.01.2020 is fit to be quashed. The learned counsel for the petitioner has relied on a judgment rendered by a coordinate Bench of this Court, reported in **2013 (1) PLJR 718 (Smt. Fulpati Devi vs. The State of Bihar & Ors.)**.

Per contra, the learned counsel for the respondent-State has fairly submitted that the impugned order is a reasoned order, however, he has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the law laid down by this Court in the case of **Smt. Fulpati Devi** (supra), I deem it fit and proper to allow the writ petition.

Accordingly, the impugned order dated 16.01.2020 is set aside, however, with liberty to the Sub-Divisional Officer, Bhojpur at Ara to proceed afresh in accordance with law after giving ample opportunity to the petitioner to file his show cause reply.



The writ petition stands allowed.

(Mohit Kumar Shah, J)

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