

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7470 of 2021

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Vindeshvar Jha, aged about 86 years, male, Son of Devkrishna Jha, resident of Village Jadopatti Jaideopatha, Police Station- Ghanshyampur, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Darbhanga.
2. The District Magistrate, Darbhanga.
3. The District Supply Officer, Darbhanga, District Darbhanga.
4. The Licensing Officer-cum-Sub Divisional Officer, Biraul, Sub Division Biraul, District - Darbhanga.
5. The Block Supply Officer, Ghanshyampur Block, District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate
For the Respondent/s : Mr. S Raza Ahmad, AAG 5 with
Mr. Vishwambhar Prasad, Advocate
Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 23-12-2021

The present writ petition has been filed for quashing the order bearing Memo No. 459(Go) dated 03.04.2020 passed by the Sub-Divisional Officer, Biraul, Sub Division Biraul, District-



Darbhanga, whereby and where under the license of the petitioner for running P.D.S. shop has been cancelled.

The short issue raised by the petitioner is that merely, two days' notice dated 19.03.2020, was issued to the petitioner, hence, the time granted to the petitioner for replying to the show cause notice was grossly insufficient, which amounts to violation of the principles of natural justice, thus, the order of cancellation is bad in law.

The learned counsel for the respondent State has not disputed the position as is existing in law.

We have heard the learned counsel for the parties and we find that admittedly, only two days' time was granted to the petitioner to file his reply to the show cause notice which, in the opinion of this Court, is absolutely insufficient. This aspect of the matter has already been decided in a catena of decisions by this Court, one of such order being the one reported in **2013(1) PLJR 718 (Smt. Fulpati Devi vs. The State of Bihar & ors.)**.

For the reasons mentioned herein above, the writ petition is allowed and the order bearing Memo No. 459(Go) dated 03.04.2020 passed by the Sub-Divisional Officer, Biraul, Sub Division Biraul, District- Darbhanga, is quashed, however, with liberty to the Sub-Divisional Officer, Biraul, Sub Division Biraul,



District- Darbhanga, to proceed further in the matter in accordance with law.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

