

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9810 of 2021

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Tapendra Baitha Son of Sukan Baitha Resident of Village- Chakramdas, P.S.
and District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate Vaishali.
3. The Sub- Divisional Officer Hajipur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2021 The present writ petition has been filed for quashing the order dated 6.7.2020 passed by the Sub-Divisional Officer, Hajipur whereby and whereunder the PDS license of the petitioner bearing license no. 35 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that only two days' time was granted to the petitioner vide show cause notice dated 11.4.2020 to submit reply as is apparent from the show cause notice itself, which though has been issued on 11.4.2020, but the petitioner has been asked to submit his reply by



13.4.2020. It is thus submitted that grant of just two days' time to the petitioner to file his reply to the show cause notice is grossly insufficient and amounts to violation of the principles of the natural justice, thus, the impugned order dated 6.7.2020 is bad in law.

Per contra, the learned counsel for the Respondent-State, Sri Upendra Pratap Singh (AC to SC-4) has not disputed the position, as is existing in law.

I have heard the learned counsel for the parties and perused the materials on record from which I find that the notice dated 11.4.2020 grants merely two days' time to the petitioner to file his reply, which in any view of the matter is grossly insufficient as has been held in a catena of decisions, rendered by the coordinate Benches of this Court, one of such order being the one reported in 2013 (1) PLJR 718 [**Smt. Fulpati Devi vs. The State of Bihar & Ors.**], hence the impugned order dated 6.7.2020 is unsustainable in the eyes of law, thus, is quashed, however, with



liberty to the Sub-Divisional Officer, Hajipur to
proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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