

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11747 of 2021

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Mina Gope w/o Sri Lal Babu Gope, Female, aged about 46 years, resident of Mohalla-Chandwara Lakaridhai, P.O.-H.P.O. Muzaffarpur, presently dealer Public Distribution Shop Ward No. 44, Town Area, Muzaffarpur

----- Petitioner

versus

1. The State of Bihar through its Principal Secretary Food and Civil Supply Department, Bihar, Patna

2. The Sub Divisional Magistrate, East Muzaffarpur, P.S. Town, District-Muzaffarpur

3. The Panan Padadhikari Town Area, Muzaffarpur

----- Respondents

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Appearance:-

For the Petitioner :- Mr. Shankar Kishore Shahi, Advocate

For the State :- Mr. Alok Ranjan, AC to AAG-5

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3. **15.09.2021** The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.



The present writ petition has been filed for quashing the order dated 19.05.2021 passed by the Sub Divisional Magistrate, East Muzaffarpur, whereby and whereunder the PDS license of the petitioner bearing License No. 44-TWN-07-08, has been cancelled.

The short issue raised by the learned counsel for the petitioner Shri Shankar Kishore Shahi is that a bare perusal of Annxure-3 would show that the show cause notice was issued on 18.05.2021 and three days' time was granted to submit the reply, however, before expiry of the said period of three days, the Sub Divisional Magistrate, East Muzaffarpur, in haste, has passed the impugned order dated 19.05.2021, hence appropriate opportunity has not been granted to the petitioner to put forth his defence resulting in the order dated 19.05.2021 having been passed in violation of the principles of natural justice.

The learned counsel for the respondent-State Shri Alok Ranjan, AC to AAG-5 has not been able to controvert the fact that the impugned order dated 19.05.2021 has been passed before the expiry of the period granted to the petitioner to submit his re⁻¹⁻



Having regard to the facts and circumstances of the case and having heard the Ld. Counsel for the parties, this Court finds that the Sub Divisional Officer, East Muzaffarpur has engaged in gross irregularity inasmuch as he has passed the impugned order in haste on 19.05.2021 i.e. even before expiry of the prescribed time period granted to the petitioner to submit his reply, vide the show cause notice dated 18.05.2021, hence there has been gross violation of the principles of natural justice, thus the impugned order dated 19.05.2021 is bad in law, hence is quashed and the matter is remanded back to the Sub-Divisional Officer, East Muzaffarpur to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

