

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11768 of 2021

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Raj Kishore Pd. Yadav, aged about 54 years, S/o Late Nunu
Yadav, R/o village-Dubiyahi, P.S. Kudhnai, District-
Muzaffarpur, P.D.S. Dealer Dubiyahi Panchayat

----- Petitioner

versus

- 1 .The State of Bihar through Principal Secretary Food and Civil
Supply Department, Bihar, Patna
2. District Magistrate, Muzaffarpur,
3. Sub-Divisional Magistrate, West Muzaffarpur
4. Incharge Block Supply Officer, Kudhani
5. Sub-Divisional Public Grievance Officer, West Muzaffarpur

----- Respondents

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Appearance:-

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

For the State :-Mr. Upendra Pratap Singh, AC to SC-4

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2. **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 18.01.2021 passed by the Sub-Divisional Magistrate, West, Muzaffarpur, whereby and whereunder the PDS license of the petitioner bearing License No. 23150035 of 2016 has been cancelled.

The short issue raised by the petitioner for consideration is that firstly only two days' time was granted, vide show cause notice dated 30.12.2020, to the petitioner for submitting his show cause reply, which in any view of the matter is not sufficient and amounts to violation of the principles of natural justice and secondly a bare perusal of the impugned order dated 18.1.2021 would show that there is no consideration whatsoever of the reply submitted by the petitioner, hence the impugned order dated 18.01.2021 stands vitiated in the eyes of law.

The learned counsel for the respondent-State Shri Upendra Pratap Singh, AC to Standing Counsel-4 has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that only two days' time was granted to the petitioner for submitting his show cause reply which in any view



of the matter is not an adequate opportunity and secondly since the impugned order dated 18.01.2021 depicts complete non-consideration of the reply of the petitioner, the impugned order dated 18.01.2021 stands vitiated in the eyes of law, hence is quashed and the matter is remanded back to the Sub-Divisional Magistrate, West, Muzaffarpur, for fresh consideration, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

