

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11945 of 2021

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Sunil Kumar Yadav Son of Ganeshi Yadav Resident of Village - Nehalpur,
P.S. - Sadar (Mabbl O.P.), District- Darbhanga. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Darbhanga.
3. The Licensing Authority - Cum - Sub - Divisional Officer, Sadar, Darbhanga, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr.Alok Ranjan (AC to AAG 5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-09-2021 Heard the learned counsel for the petitioner and Sri
Alok Ranjan, learned AC to AAG 5 appearing for the State.

The present writ petition has been filed seeking quashing of the order dated 08.06.2021, passed by the Licensing Authority-cum-Sub Divisional Officer, Sadar, Darbhanga, whereby and whereunder the P.D.S. license of the shop of the petitioner bearing License no. 03 of 2018 has been cancelled.

The short point raised by the petitioner for consideration is that a show cause notice dated 03.06.2021 was served upon the petitioner on 07.06.2021 and the petitioner was given only 03 days' time to file reply to the show cause notice, however on 08.06.2021 itself, the impugned order was passed without giving any reasonable opportunity to the petitioner to



put forth his wholesome defense, resulting in violation of Principles of Natural Justice. Reference in this regard has been made to a judgment rendered in the case of ***Smt. Fulpati Devi v. The State of Bihar and others*** reported in ***2013(1) PLJR 718***.

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

Having regard to the facts and circumstances of the case, this Court finds that three days' time granted to the petitioner to file his reply is grossly insufficient and amounts to violation of Principles of Natural Justice, inasmuch as the petitioner has been precluded from submitting his wholesome defense as also a bare perusal of the impugned order dated 08.06.2021 would show that the same has been passed in haste, thus the impugned order dated 08.06.2021 stands vitiated in the eyes of law, hence the order dated 08.06.2021, passed by the Sub Divisional Officer, Sadar, Darbhanga, is quashed, however the matter is remanded back to the Sub Divisional Officer, Sadar, Darbhanga to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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