

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 3970 of 2021

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Ramlakhan Yadav son of Raghunandan Yadav, resident of
Village and P.S. Hasanpur, District Samastipur.

... .. Petitioner/s

Versus

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

... .. 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

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24-09-2021

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 seeking quashing of the order dated 11.5.2020 passed by the Sub-Divisional Officer, Rosra, whereby and where under the PDS license of the petitioner bearing license No. 368/2016 has been cancelled.

The learned counsel for the petitioner has submitted that a show c



ed 1.4.2020 was issued initially,

however, since no proposal for cancellation of the license of the petitioner was mentioned therein, the same stood vitiated in the eyes of law being contrary to Rule 27(ii) of the Bihar Targeted P.D.S. (Control) Order, 2016. Thereafter, yet another show cause notice dated 27.4.2020 was issued to the petitioner, which though contains the proposal for cancellation of the license of the petitioner, but only 24 hours time was granted to the petitioner to submit his reply, which, in any view of the matter, is insufficient and amounts to denial of reasonable opportunity to the petitioner, hence there has been violation of the principles of natural justice, thus the impugned order dated 11.5.2020 is fit to be set aside.

The Ld. Counsel for the respondent State, Shri 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 gone through the materials on record from which it is apparent that merely 24 hours time was granted to the petitioner to furnish the show cause reply, which, in any view of the matter, is thoroughly inadequate and amounts to denial of reasonable opportunity to the petitioner to put forth his wholesome defence, resulting in the impugned order dated 11.5.2021 being vitiated in the eyes of law, hence is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Rosra to proceed afresh, in accordance with law.



The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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