

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17145 of 2021

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Lakhindra Rai son of Ram Shresht Ray resident of Village- Bajibujurg, Police Station- Sakra, Gram Panchayat- Bajibujurg, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub- Divisional Officer, cum Licensing Officer, East Muzaffarpur, Muzaffarpur.
4. The Block Supply Officer, Sakra, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, 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 04-10-2021 The present writ petition has been filed seeking quashing of the order dated 17.08.2021, passed by the Sub-Divisional Officer cum Licensing Authority, East Muzaffarpur, whereby and where under the PDS license of the petitioner bearing license No. 23-08-01-07/2019 has been cancelled.

The short point raised by the learned counsel for the petitioner is that though show cause notices dated 5.6.2021 and 20.07.2021 have been issued to the petitioner but only three days' time have been granted to the petitioner to submit his reply to the show cause, which, in any view of the matter, is insufficient and amounts to denial of proper opportunity to the petitioner to defend himself, hence has resulted in violation of



the principles of nature justice. In this connection, reference has been made to a judgment reported in 2013 (2) PLJR 706 (**Smt. Fulpati Devi vs. The State of Bihar & Ors.**). The learned counsel for the petitioner, Shri Anand Kumar Ojha, has further submitted that the Sub-Divisional Officer, East Muzaffarpur in his order dated 17.08.2021 has failed to apply his independent mind in as much as he has relied on the report of the Block Supply Officer, Sakra, Muzaffarpur dated 14.07.2021.

Per contra, the learned counsel for the respondent State, Shri Upendra Pratap Singh, AC to SC-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 three days' time has been granted to the petitioner to furnish show cause reply, which, in any view of the matter, is thoroughly insufficient and amounts to denial of proper opportunity to the petitioner to furnish his wholesome defence, resulting in non-compliance of the principles of natural justice apart from the fact that the present case is squarely covered by the judgment rendered in the case of **Smt. Fulpati Devi** (supra), this Court finds that the impugned order dated 17.08.2021 stands vitiated in the eyes of law, hence is quashed, however, the matter is remanded back to the Sub-



Divisional Officer, East Muzaffarpur for proceeding a fresh in
accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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