

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10789 of 2021

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Ashok Kumar Singh Son of Raj Kumar Resident of Village-Darwan, P.S.-
Ramgarh District-Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabhua.
3. The Sub-Divisional Officer, Mohaniya, Dist. Kaimur at Bhabhua.
4. The Block Supply Officer, Ramgarh, District-Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s	:	Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 18-02-2022

1. The present writ petition has been filed for quashing the order dated 26.03.2021, passed by the Sub-Divisional officer, Mohaniya, Kaimur at Bhabua, whereby and whereunder the license of the P.D.S. shop of the petitioner bearing License no. 27 of 2016 has been cancelled.

2. The learned Senior counsel for the petitioner Sri N.K. Agarwal, Advocate has raised a short issue to the



effect that by the show cause notice dated 28.01.2021, only two days' time was granted to the petitioner to file his reply which is insufficient and amounts to denial of reasonable opportunity for the purposes of submitting his wholesome defense. Reference in this regard be had to a judgment reported in **2013(1) PLJR 718 (Fulpati Devi v. The State of Bihar and others)**.

3. *Per contra*, the learned counsel for the respondent- State has not disputed the fact that only two days' time was granted to the petitioner to submit his reply to the show cause notice dated 28.01.2021.

4. Having regard to the facts and circumstances of the case and considering the materials available on record, we find that the petitioner has not been granted adequate opportunity to put forth his defence, inasmuch as only two days' time was granted to the petitioner to submit his reply to the show cause notice dated 28.01.2021, which has resulted in violation of the Principles of Natural Justice, hence the impugned order dated 26.03.2021, passed by the Sub Divisional officer, Mohaniya, Kaimur at Bhabua stands vitiated in the eyes of law, as such, is quashed. However,



the matter is remanded back to the S.D.O. Mohaniya for proceeding afresh against the petitioner, in accordance with law.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.02.2022
Transmission Date	NA

