

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9621 of 2020

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Rajendra Sah Son of Babu Lal Sah Resident of Chamraha @ Lalpur,
Purushotampur Kurhani, Police Station- Kurhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
3. The Deputy Director, Bihar Vikas Mission, Patna.
4. The District Magistrate, Muzaffarpur.
5. The Sub- Divisional Magistrate (west), Muzaffarpur.
6. The District Supply Officer, Muzaffarpur.
7. The Block Supply Officer, Kudhani, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Adv.
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 ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

4 01-02-2022 The present writ petition has been filed for quashing the order dated 31.01.2020 passed by the Sub-Divisional Officer (West), Muzaffarpur, wherey and where-under the license of the P.D.S. shop of the petitioner bearing No.23150039/16 has been cancelled.

The short point raised by the learned counsel for the petitioner is that though, two show



cause notices were issued to the petitioner, but as far as the show-cause notice dated 16.01.2020 is concerned, only 48 hrs. time was granted to the petitioner to file reply and as far as the show cause notice dated 21.1.2020 is concerned, only 24 hrs. time was granted to the petitioner, which is highly insufficient and amounts to denial of reasonable opportunity to the petitioner to put-forth his defence. In this regard, reference has been made to a judgment reported in 2013(1) PLJR 718 (**Smt. Fulpati Devi vs. The State of Bihar & Ors.**).

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 and considering the fact that only meager time was granted to the petitioner to submit his show cause reply, this Court finds that the same has resulted in denial of reasonable opportunity to the petitioner to put-forth his defence, resulting in breach of the principles of natural justice. Hence, the impugned



order dated 31.01.2020 is not sustainable in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer (West), Muzaffarpur, to proceed in the matter afresh, in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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