

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10338 of 2015

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Ramchandra Chaudhary S/o Late Biranchi Chaudhary Resident of Village
Mujauna Tola Budhi Ghat, Post Haripur, P.S. Alauli, District Khagaria.

.... Petitioner

Versus

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

.. Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate

For the Respondent/s : Mr. Raju Giri- G.P.-30

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 05-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 01.07.2015 as
contained in Annexure-1 passed by the Sub-Divisional Officer-
cum-Licensing Authority Khagaria by which his License no.
21A/2007 granted for fair price shop has been cancelled.

It is contended on behalf of the petitioner that though a
show cause notice was served upon him and he had submitted a
reply to the same, a copy of which has been appended as
Annexure-3, however, consideration of the reply to the show cause
notice, licence of the petitioner has been cancelled simply on the
ground that on that particular date his shop was closed.

I find force in the submission made on behalf of the
petitioner as there is absolute lack of consideration of the grounds
raised by the petitioner in his reply to the show cause notice as in
only one sentence has been stated that the reply to the show cause

notice has not been found to be satisfactory. In my opinion, that would not be sufficient. It is well-settled that if the action or order of the authority concerned is going to visit civil consequence upon a person or party, then consideration of the grounds raised by him answering the charges should be made and the reasons should be recorded as why such ground could not find favour with the authority concerned.

That apart, in my view, the closure of a shop on a particular day may be breach of terms and conditions of the licence and cannot be proper or justified but that was not such a grave violation which would entail cancellation of licence.

As a result, this writ petition succeeds and the impugned order, contained in Annexure-1 is quashed and set aside. The matter is remitted back to the licensing authority for taking a fresh decision after proper consideration of the reply to the show cause notice filed by the petitioner and decision of the Division Bench of this Court (Annexure-4).

It is expected that entire exercise would be completed within a period of two months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

siddharth/Lata/-

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