

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19102 of 2016

=====

Smt. Jaymanti Devi Wife of Sri Umesh Das Resident of Village and P.O. Chiraiya,
P.S. - Amarpur, District - Banka.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Banka, District - Banka.
3. The Licensing Authority-Cum-Sub-Divisional Officer, Banka, District - Banka.
4. The Block Supply Officer, Baunsi, Rajaun and Barahat, District - Banka.

.... RespondentS

=====

Appearance :

For the Petitioner	:	M/S Alok Kumar Sinha, Sr. Advocate Bhola Kumar, Advocate
For the Respondents	:	Mr. S.Raza Ahmad-AAG 5 and Mr. Vishwamhar Prasad, AC to AAG 5

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-12-2016

Heard parties.

Petitioner is aggrieved by the order dated 27.6.2015 passed by the Sub Divisional Officer-cum-Licensing Officer, Banka as contained in Annexure 5 by which his P.D.S. Licence has been cancelled. Petitioner's appeal has also been dismissed by the appellate authority vide Annexure 6 dated 24.6.2016. Both the orders have been assailed by filing the present writ application.

The sole ground taken for assailing the order impugned is that there is no consideration of the grounds raised by the petitioner in reply to the show cause notice.



This Court finds force in such submissions as only one sentence has been devoted by the licensing authority that the reply of the petitioner is not at all satisfactory but he has not recorded any reason as to why he has come to such conclusion and why such grounds have not been found to be tenable by him.

The issue is no longer *res intera* having already set at rest in catena of decisions passed by this Court. A reference in this regard is made in **C.W.J.C. No. 8149/2011 (Ashok Kumar Verma Vs. The State of Bihar & ors.)**.

Accordingly, this writ application stands allowed. The impugned orders as contained in Annexure 5 and 6 are quashed and set aside.

However, the matter is remitted back to the licensing authority for fresh consideration of the matter after supply of the copy of the report of inquiry and statements of the complainants, if any, to the petitioner. The petitioner would be entitled to submit a fresh reply to the show cause notice. Thereafter, on consideration of the reply, if submitted, the licensing authority would be required to pass a reasoned and speaking order on its own merit and in accordance with law.

The whole exercise should be completed within three months from the date of production of a certified copy of this order by



the petitioner before the licensing authority.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2017
Transmission Date	NA

