

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13364 of 2015

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Ram Lagan Prasad Yadav, son of Late Mahadev Rai, resident of village-Turkauli, P.S.- Adapur, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar through the Collector, East Champaran, Motihari
2. The Sub-Divisional Officer, Raxaul

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
Mr. Sunil Prasad, Advocate

For the Respondent/s : Mr. Javed Gaffar Khan, A.C. to S.C-7

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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 seeks quashing of the order dated 24.04.2015 passed by the Sub-Divisional Officer, Raxaul by which his license granted for running PDS shop has been cancelled.

In fact, the petitioner's licence was cancelled vide earlier order dated 04.08.2012, as contained in Annexure-3, which was challenged by filing Supply Appeal No. 59 of 2012. The Appellate Authority vide Annexure-4, after holding that the order was passed without following the principles of natural justice, had remanded back the matter to the Sub-Divisional Officer to pass a reasoned order in accordance with law after issuing a show cause notice to the PDS dealer. Thereafter, a show cause notice was issued and the petitioner had filed a reply thereof. From perusal of

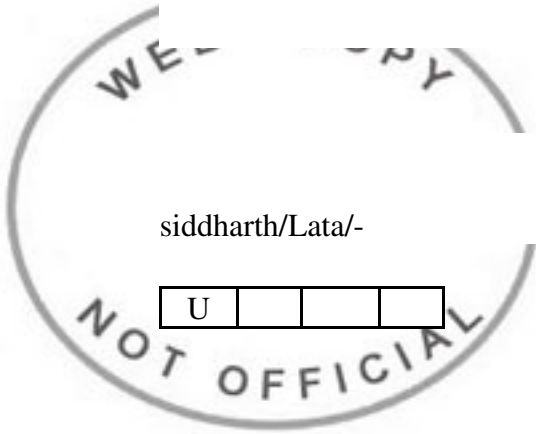


the impugned order, it appears that though the grounds raised by the petitioner have been noted in the order but there is no consideration by the licensing authority as to whether those grounds are tenable or not. He has simply stated that the earlier order of cancellation would remain valid in view of the fact that there is direction by the Food and Consumer Protection Department, Patna as contained in Letter No. 387 dated 20.01.2012 that regarding the shops against whom some cases are pending under Section 7 of the Essential Commodities Act, the authorities would wait for final disposal of the same.

In my view, the order impugned is not at all sustainable in law. It is nowhere stated as to why the grounds raised by the petitioner in his reply to the show cause notice is not tenable or acceptable. No reason for cancellation of licence has also been assigned in the impugned order and reliance upon the direction contained in Letter No.387 dated 20.01.2012 would also be meaningless as the same is not regarding cancellation of licence rather that is with respect to suspension of licence.

Accordingly, this writ application succeeds. The impugned order is quashed and set aside. The matter is remitted back to the authority concerned for taking fresh consideration in

accordance with law within a period of two months from the date
of receipt/ production of a copy of this order.



(Dr. Ravi Ranjan, J)