

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8686 of 2016

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Munni Lal Chaudhary, son of Late Ram Chandra Chaudhary, resident of village-
Tejpura, P.s.- Obara, District- Aurangabad

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home (Police), Government of Bihar,
Patna
3. The District Magistrate, Aurangabad
4. Superintendent of Police, Aurangabad
5. The Officer-in-Charge, Obara Police Station, Aurangabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate
For the Respondent/s : Mr. Awanish Nandan Sinha GP-11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-11-2016

I.A.No.8820 of 2016

This interlocutory application has been filed for amendment in the writ petition by adding relief as the petitioner wants to challenge Annexure-B of the counter affidavit by which his licence has been cancelled.

No counter affidavit has been filed to the aforesaid interlocutory application.

In the facts and circumstances of the case, the prayer is allowed. The petitioner is permitted to assail Annexure-B which is an order of cancellation of his licence.

C.W.J.C.No.8686 of 2016



Heard parties.

The petitioner challenges Annexure-B, which is an order dated 20.04.2015 passed by the District Magistrate, Aurangabad, simply on the ground that the order of cancellation has been passed without issuing any show cause notice and, thus, without granting adequate opportunity.

Admittedly, the petitioner's licence was renewed till 2002 only and, thereafter, it is being stated that he submitted the challan but no order for its renewal was passed and also the petitioner's mother was ill, therefore, he could not get it renewed subsequently.

However, it is contended on behalf of the State that copy of challan was never produced before the authorities and the information as per the general notice issued in view of the directive of the Central Government dated 29.07.2012, the petitioner did not furnish any information.

However, when a simple question was asked as to whether the order discloses that the petitioner was given a show cause notice and, thereafter, considering the reply filed by the petitioner, the order of cancellation has been passed?, learned counsel is unable to say anything because the order discloses nothing in this regard.

Thus, it has to be assumed that the order has been passed without granting adequate opportunity to the petitioner. Even



assuming that a show cause notice was issued but it is not clear whether any reply was filed by the petitioner or not or if reply was filed then what grounds were raised by him and why the grounds raised by the petitioner have not been found tenable in law.

Accordingly, in my view, the order impugned cannot be sustained in its present form and the same is quashed and set aside.

However, the licensing authority would be at liberty to initiate a fresh proceeding by issuing a fresh show cause notice if it is desirable in its view.

As a result, this application stands allowed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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