

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6719 of 2015

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Nand Kishor Prasad, Son of Late Nunu Prasad Mahto Resident of village
and Post- Rani Sakarpura, P.S.- khagaria, 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. Ritesh Kumar, S.C-33

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

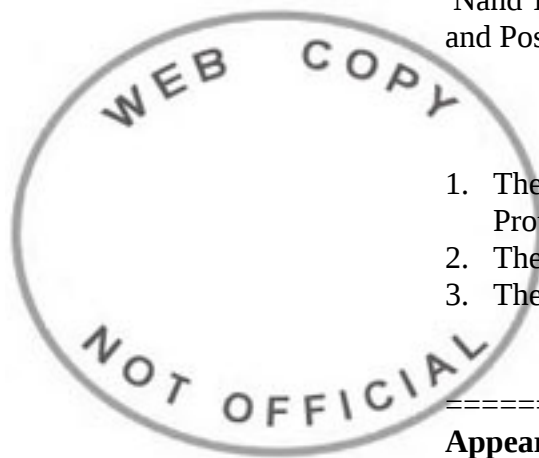
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Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 09.04.2015 as contained in Annexure-1 passed by the Sub-Divisional Officer-cum-Licensing Authority Khagaria by which his License no. 11K/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. But 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 consequences 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 afresh decision after proper consideration of the reply to the show cause notice filed by the petitioner.

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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