

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10285 of 2015

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Rajendra Das Son of Late Rameshwar Das Resident of village - Khirjan, Post -
Laskari, P.S. Rajaun, District - Banka

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Old Secretariat, Patna
2. The District Magistrate, Banka, District - Banka
3. The Sub-Divisional Officer, Banka, District - Banka
4. The Block Supply officer, Rajaun, District - Banka

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. Lokesh Kumar Singh, AC to AAG 3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-11-2016

Heard parties.

The petitioner seeks quashing of the order dated
29.5.2015, as contained in Annexure 1, passed by the Sub Divisional
Officer – cum – licensing authority, Banka by which his PDS licence
has been cancelled.

The sole ground taken by the petitioner in the writ
application is that the order impugned shows non application of
mind by the authority and there is no discussion on the grounds
raised by the petitioner in his reply filed after issuance of show cause
notice. Same is merely based upon a first information report which
has been lodged under Section 7 of the E.C. Act.

I find force in the submission made on behalf of petitioner that there does not appear to be any application of mind by the licensing authority upon the grounds raised in the petition of reply. Merely one sentence has been devoted that his reply is not found to be satisfactory. In my considered opinion that would not be sufficient as reasons would have to be assigned by the authority as to why the grounds raised by the licensee has not been found tenable. Thus, it has to be held that the order impugned suffers from vice of arbitrariness and, as such, is not sustainable in eye of law.

Accordingly, this writ application is allowed and the order impugned is quashed and set aside. However, the matter is remitted back to the Licensing Authority for taking fresh decision in accordance with law after consideration of the reply filed by the petitioner within a period of three months from the date of receipt / production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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