

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.18487 of 2015**

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Shreeprasad Choudhary, Son of Late Mohan Choudhary, Resident of Village-  
Andharishot, Post- Ghurghuri, P.S.- Baunsi, 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, Baunsi, District- Banka.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate  
For the State : Mr. Madhukar Mishra, A.C. to S.C. 16

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 17-11-2016**

Heard parties.

Petitioner seeks quashing of Annexure 1 which is an order dated 06.06.2015 passed by the Sub-Divisional Officer-cum-Licensing authority, Banka by which his PDS licence no.28/12 has been cancelled.

It is submitted that F.I.R. has been lodged against the petitioner under Section 7 of the E.C. Act but that cannot form a basis of cancellation of licence. However, aforesaid fact only stands mentioned in Annexure 1 as it does not appear that only on the basis of F.I.R., the licence was cancelled. The petitioner raises another ground that there is no application of mind by the Licensing



Authority while passing the cancellation order upon the ground raised by the petitioner in his reply to the show cause notice.

I find force in such submission made on behalf of the petitioner. No reason has been assigned showing why the petitioner's reply has not been found tenable. Simply one line has been devoted that the same is not satisfactory.

In my view, that would not be sufficient as it indicates towards non-application of mind by the Licensing Authority and, as such, the order suffers from vice of arbitrariness.

Accordingly, the impugned order, as contained in Annexure 1, is quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision in accordance with law. It is expected that the whole exercise would be completed within a period of two months from the date of receipt/production of a copy of this order.

This writ application stands allowed to the extent as indicated above.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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