

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20091 of 2016

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Mahesh Prasad Son of Late Deodhari Prasad, R/O Village-Hematpur, P.S-Fatehpur,
District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the principal Secretary, Food & Civil Supply Department, Government of Bihar, Patna.
2. The principal Secretary, Food & Civil Supply Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Sub-Divisional Officer-Cum-Licensing Authority, Sadar, Gaya.
5. The Block Supply Officer, Fatehpur Block, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Respondent/s : Mr. SANJAY KR.GIRI-GP9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-05-2017

Heard learned counsel for the petitioner and counsel for
the State.

In this case the petitioner is challenging the order of
licensing authority dated 07.5.2016 annexure P-5 and the order of
appellate authority dated 20.10.2016 in supply case no. 26/2016.

The petitioner is running a P.D.S. shop under the license
no. 12/85 and the same has been renumbered and an inspection was
made of his shop and the shop was found closed on 13.01.2016. On
recording the statement of some consumer, the show-cause was issued
against the petitioner in which two allegations have been made.

First, on the date of inspection his shop was found closed
and the display board was not available. Another allegation has been
made that some of the consumers have made complaint that the



petitioner was not distributing the grain and kerosene oil regularly and also in lesser quantity. The petitioner gave reply, where he took the plea that on the date of inspection, he had gone to visit the doctor and also made submission that he used to supply goods regularly, as per the correct rate and the quantity is also correct.

From the order of the Sub-Divisional Officer, Sadar Gaya it appears that without considering his plea which he has taken, the Sub-Divisional Officer, Sadar Gaya arrived to a finding against the petitioner and cancelled the license vide order dated 07.05.2016 which was challenged before the appellate authority and there the position remained the same.

In view of the matter, the order dated 20.10.2016 of appellate authority and the order dated 07.5.2016 (annexure P-5) of licensing authority are not a reasoned order and same are set aside. The matter is remitted back to the licensing authority to pass a reasoned order after considering the plea taken by the petitioner.

With these observations the application is disposed of. The licensing authority will pass order in accordance with law within three months from the date of passing this order.

(Shivaji Pandey, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.05.2017
Transmission Date	NA

