

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2097 of 2017

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1. Motiur Rahman Son of late Kasim Ali Khan Resident of Village-Shrisanichak, Village Panchayat- Moramardana, Police Station- M.U. Bodh Gaya, District- Gaya,.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya, District- Gaya.
4. The Block Supply Officer ,Bodh Gaya , Distt- Gaya.
5. The Block Development Officer, Bodh Gaya, Distt- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the State : Mr. Ghanshyam Prasad Singh, AC to GA 6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 02-05-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, petitioner is challenging the order dated 16.1.2017 passed by the Licensing Authority-cum-Sub Divisional officer, Sadar Gaya by which he has cancelled his licence .

It appears that on the direction of the District Magistrate, Additional District Magistrate has conducted an enquiry and submitted the report. On that basis the Licensing Authority has issued a show cause and it appears that copy of the enquiry report was not served upon the petitioner. As only



three days time was granted to the petitioner to file show cause so he could not file the same which led to passing of the impugned order.

It appears that Sub Divisional Officer has neither served the copy of the enquiry report nor proper time was given to the petitioner to file reply and passed a cryptic and perfunctory order cancelling his licence. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of Chairman and Managing Director United Commercial Bank & others v. P.C. KakkarS reported in (2003(4) SCC 364 and recent judgment in the case of J. Ashoka v. University of Agrioculture Sciences and others, reported in 2017 (1) PLJR 241 (para-18) as in both cases, it has been directed to pass a reasoned order.

In such view of the matter, the order dated 16.1.2017 passed by the Sub Divisional Officer, Sadar Gaya is hereby set aside and matter is remanded back to the Sub Divisional Officer, Sadar Gaya who will serve the copy of the enquiry report upon the petitioner and after giving fair and proper opportunity of hearing to him pass a reasoned order in accordance with law.

With the aforesaid observation this writ petition is



disposed of.

(Shivaji Pandey, J)

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