

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3810 of 2017

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Sukhnandan Singh son of late Ramashish Singh, Resident of Village - Baluan,
Police Station - Muffasil Ara, District - Bhojpur Ara.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Ara.
3. The Sub-Divisional Officer, Sadar Ara, District - Ara.
4. The Block Supply Officer, Sadar Ara, Dist. - Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the Respondent/s : Mr. S.Raza Ahmad, AAG 5
Md. Anasul Haque, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-04-2017

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

In this case, the petitioner is challenging the order
dated 11.02.2017 (Annexure-3) passed by the Sub-Divisional Officer,
Sadar Ara, whereby and whereunder the license of the petitioner, vide
License No. 17/2007, has been cancelled on the basis of report
submitted against the petitioner.

An inspection of the shop of the petitioner was made
by two Officers, but the shop of the petitioner was found closed and
the petitioner was not found present there.

The counsel for the petitioner submits that on the day



of inspection, the petitioner had gone to Ara for his treatment, having said that every month, he used to lift the material and distribute the same to the beneficiary at genuine rate, which can be verified by the Distribution Record. The Sub-Divisional Officer, vide order dated 11.02.2017, without considering the plea that has been taken by the petitioner, by a cryptic manner, without giving any reason, has passed the impugned order, cancelled the license of the petitioner.

The counsel for the petitioner submits that the order of Sub-Divisional Officer. is *per se* illegal, completely perfunctory in nature, without any basis, suffers from illegality.

The counsel for the State submits that there is a provision for appeal and the petitioner has not exhausted that remedy, and directly approached this Court.

Assigning the reason in the order is an essential element for a quasi-judicial body while passing the impugned order, as the reason is living link in between the order and the mind of the decision maker, reason is the basis for the higher authority which gives an opportunity to discern the view of decision maker. The reference can be made on a judgment reported in 2003 (4) SCC 364, (Chairman & Managing Director, United Commercial Bank vs. P.C. Kakkar) where the Hon'ble Supreme Court has said that the quasi-judicial authority must give the reason while passing the order.



In such view of the matter, the order dated 11.02.2017 (Annexure-3) is set aside and the matter is remanded back to the Licensing Authority, who after furnishing the report of the Enquiry Officer, will give an opportunity of hearing to the petitioner, if so like, may file additional show cause and pass a reasoned order within a period of three months from the date of receipt/production of a copy of this order.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.04.2017
Transmission Date	N/A

