

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

**Civil Writ Jurisdiction Case No.3086 of 2017**

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Daneshwar Sada, S/o Ritu Sada, Resident of Village-Kurwan, P.S.-Beldaur,  
District-Khagaria

.... .... Petitioner

Versus

1. The Department of Food and Consumer Protection through its Principal Secretary, Bihar at Patna.
2. The District Magistrate, Khagaria, District-Khagaria.
3. The District Supply Officer, Khagaria, District-Khagaria
4. The Sub-Divisional Officer, Gorari, Block-Beldaur, P.S.-Beldaur, District-Khagaria
5. The Block Supply Officer, Block-Beldaur, P.S.-Beldaur, District-Khagaria
6. The Assistant Godown Manager, Beldaur, Khagaria, District-Khagaria.

.... .... Respondents

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**Appearance :**

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

For the Respondent/s : Smt. Namrata Mishra-G.A.-6

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 02-05-2017**

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

**2.** In this case, the petitioner is challenging the order of the Sub-Divisional Officer, Gogari, dated 03.12.2016, by which the P.D.S. licence of the petitioner has been cancelled.

**3.** The petitioner is running a P.D.S. shop having licence No.61B/2007, upon inspection it was found that the petitioner was



not running the P.D.S. shop. A show cause notice was served upon the petitioner, which was replied by him. Whereafter, the Sub-Divisional Officer, has passed the order dated 03.12.2016, thereby cancelled the licence of the petitioner.

4. From a perusal of the order of the Sub-Divisional Officer, it appears that he has not applied his judicial mind and by a perfunctory and cryptic order cancelled the licence of the petitioner. The Sub-Divisional Officer, while exercising the *quasi judicial* function must assign the reason for arriving to a finding as the reason is a living link between decision and decision maker.

5. Reference can be made to the decision of the Hon'ble Supreme Court in the case of ***Chairman and Managing Director, United Commercial Bank & Ors. vs. P.C. Kakkar***, reported in (2003) 4 SCC, 364.

6. In such view of the matter, the order dated 03.12.2016 passed by the Sub-Divisional Officer, Gogari, Khagaria, is set aside. The matter is remanded back to the Sub-Divisional Officer, Gogari, Khagaria, to pass a fresh reasoned order after serving the copy of the inquiry report upon the petitioner and after given proper hearing to the petitioner. The petitioner, if so like, may file



additional show cause, which will be considered by the Sub-Divisional Officer.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

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