

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11316 of 2018

=====

Mahendra Kumar Prasad the Chairman of Kenar PACS son of Rajkumar Prasad
Resident of Village - Makhdumpur, Police Station - Wazirganj, District - Gaya.

.... Petitioner

Versus

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

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-06-2018

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

2. The present writ petition has been filed for quashing the
order contained in memo no. 70 dated 07.03.2018 passed by the Sub-
Divisional Officer, Sadar Gaya by which licence of the petitioner's Fair
Price shop bearing no. 02/2012 has been cancelled and monthly
allotment has been stopped; and further to restore the petitioner's
licence.

3 Learned counsel for the petitioner makes a short
submission to assail the impugned order of cancellation, to the effect
that the same has been passed mechanically and without due



application of mind and without assigning any reason for such cancellation.

4. Learned counsel for the respondents appears and has been heard. No counter affidavit has been filed till date.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. A bare perusal of the impugned order discloses that the petitioner's P.D.S. licence has been cancelled on the sole ground that the show cause reply filed by him was not satisfactory, without however assigning a single reason whatsoever as to why the same was not found satisfactory. There is no discussion in the order with regard to the plea raised by the petitioner in his show cause reply and why the same did not find favour with the authority. In such circumstances, therefore, it must be held that the impugned order does not amount to a speaking order and is thus violative of the principles of natural justice which cannot be sustained in law.

6. Accordingly, the impugned order contained in memo no. 70 dated 07.03.2018 passed by the Sub-Divisional Officer, Sadar Gaya (Annexure-2) is hereby quashed and the matter is remanded to him to consider and dispose of the matter afresh by a speaking order after grant of opportunity of hearing to the petitioner in accordance with



law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 4.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.07.2018
Transmission Date	N.A.

