

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7741 of 2018

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Md. Abuzar, S/o Late Md. Daud, Resident of Village- Bari Phulwaria, P.S.-
Bajpatti, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food & Civil Supply Department, Patna.
2. The SDO, Pupri, Sitamarhi.
3. The BDO-cum-BSO, Bajpatti.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-06-2018

Heard learned counsel for the petitioner as well as learned counsel
for the respondents.

2. The present writ petition has been filed challenging the order contained in Memo No. 100 dated 23.03.2018 (Annexure-3) by which P.D.S. licence granted to the petitioner for carrying out the business of PDS shop within the Panchayat Bari Fulwariya, Block Bajpatti being License No. 05/1993 was cancelled.

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. 100 dated 23.03.2018 (Annexure-3) passed by the Sub-Divisional Officer, Pupri, Sitamarhi (Respondent No. 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. 2.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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