

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16292 of 2017

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Sachidanand Sharma Son of late Narsingh Singh, Resident of Village- Gopalpur,
P.S. Sherghati, District Gaya

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary Food and Civil Supplies, Govt. of Bihar, Patna.
2. District Magistrate, Gaya.
3. Sub Divisional Officer, Sherghati, Gaya.
4. District Supply Officer, Gaya.
5. Block Supply Officer, Sherghati, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amarnath Singh
Mr. Bibhuti Narayan, Advocates.
For the Respondents : Mr. S. Raza Ahmad, AAG-5
Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-03-2018

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. 137 dated 18.09.2017 issued by the
respondent no. 3 whereby and whereunder the license of P.D.S. Shop of
the petitioner bearing no. 07/2016 has been cancelled with immediate
effect.

3. Learned counsel for the petitioner submits that the
impugned order dated 18.09.2017 is unsustainable as the same is a
non-speaking order. Reliance is placed on the decision of a Division
Bench of this Court in *M/s. Umesh Chandra Dinesh Kumar vs. The State*



of Bihar and others, 1999 (1) BLJ 540, in which it was observed that absence of any reason in the order is a serious lacuna in the impugned order as the same shows a complete non-application of mind on the part of the licensing authority. The said decision has also been followed in *Sita Ram Keshri vs. The State of Bihar & Ors., 2012 (2) PLJR 719*.

4. Learned counsel for the respondents points out that instead of availing the statutory remedy by way of appeal, the petitioner has approached this Court straightway. Moreover, it is pointed out that the petitioner has raised frivolous ground as evident from the supplementary affidavit wherein it has been contended that the show cause notice does not specify the purpose for which it is issued whether for suspension or for cancellation of the license. A bare perusal of the show cause notice itself discloses that the same has been issued for cancellation of the petitioner's license.

5. Having heard the parties and on consideration of the materials on record, this Court does not find any merit in the writ petition. It is admitted that a show cause notice was issued to the petitioner along with the enquiry report and the petitioner duly filed his reply thereto. In the impugned order the licensing authority has taken note of the show cause reply of the petitioner and also of the various affidavits filed by the consumers on which the petitioner has placed reliance but has chosen to disbelieve the same. It is therefore not a case where no reason has been assigned in the order rather it is a



case where the show cause reply of the petitioner has not been accepted after disbelieving the materials brought on record by the petitioner. The decision relied on by the petitioner are therefore not applicable in the instant case.

6. The writ petition stands dismissed.

Md. Ibrarul/BT

(Vikash Jain, J)

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