

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15603 of 2017

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Raghunath Sharma, Son of Bhadai Sharma, resident of village - Deotha, P.S.
Pasraha, District - Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
3. The Collector, Khagaria.
4. The Sub-Divisional Officer-cum-Licensing Officer, Gogri, District - Khagaria.
5. The District Supply Officer, Khagaria, District - Khagaria.
6. The Block Supply Officer, Parbatta, District - Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amrendra Kumar, Advocate

For the Respondents : Mr. S. Raza Ahmad -AAG5

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

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

2. The present writ petition has been filed for quashing
the order dated 01.08.2017 passed by the Collector, Khagaria in *Apurti*
Appeal No. 09/2013 (Annexure-4) whereby and whereunder the
Collector upheld the order contained in Memo No. 982 dated
05.06.2013 by the Sub-Divisional Officer, Gogri (Annexure-3) by which
the Sub-Divisional Officer cancelled the PDS License bearing No.
57G/2007; and for further direction to the respondents to restore his
PDS License.

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 appellate order dated 01.08.2017 passed by the Collector, Khagaria in *Apurti* Appeal No. 09/2013 (Annexure-4) as well as the impugned order contained in Memo No. 982 dated 05.06.2013 passed by the Sub-Divisional Officer, Gogri (Annexure-3) are 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	23.04.2018
Transmission Date	N.A.

