

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10127 of 2014

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Mohan Chaudhary S/o Late Prasadi Chaudhary Resident of Village - Desri, P.S.
Desri, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Vaishali
2. The Collector, Vaishali
3. The Sub Divisional Officer, Mahnar, Vaishali
4. The Block Supply Officer, Sahdeo Bugurg, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv

For the Respondent/s : Mr. Sanjay Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-07-2018

The present writ petition has been filed for setting aside the order dated 10.03.2014 issued under memo no. 468 by which the licence granted to the petitioner under the provisions of Fair Price Shop Order and/or PDS Order, 2001 for carrying on business of Fair Price Shop has been cancelled.

2. Learned counsel for the petitioner submits that the show cause notice dated 14.08.2013 was received by the petitioner's son who informed that the petitioner was in custody in connection with the FIR lodged by the respondents and hence time was sought for filing a proper reply. However, without granting extension of time as sought



the impugned order has been passed. It is further submitted that in any event, the order of cancellation of the petitioner's PDS licence is completely non-speaking and cryptic one without recording any reason for cancellation.

3. Learned counsel for the respondents appears and submits that the petitioner has not acted with due diligence. Even though the show cause notice was issued on 14.08.2013, in response to which time was sought by the petitioner's son on 21.08.2013, the impugned order was not passed until 10.03.2014 whereas the petitioner was released from custody on grant of regular bail by order dated 23.08.2013 itself (Annexure-5). It is therefore, submitted that the petitioner had adequate time to respond to the show cause notice, but failed to do so.

4. Having heard the parties and on consideration of the materials on record, this Court is not impressed with the submission of the petitioner that the impugned order has been passed without affording adequate opportunity of hearing. Undisputedly, the petitioner was granted bail on 23.08.2013 but for a considerable time thereafter the petitioner does not appear to have taken any action for filing the show cause reply or even enquiring from the authorities about the fate of the licence. In such circumstances, it cannot be said that sufficient time was not granted to the petitioner. Considering the nature of the cancellation order passed, however, it appears that the



same has been passed without assigning any reasons whatsoever, and the same is definitely a non-speaking one.

5. In the above view of the matter, the impugned order dated 10.03.2014 is hereby set aside and the matter remanded to the Sub Divisional Officer, Mahnar, Vaishali (Respondent No. 3) to pass a speaking order in accordance with law.

6. The writ petition stands disposed of as above.

(Vikash Jain, J)

Chandran/BT

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