

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11934 of 2016

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Rajendra Prasad Singh son of Late Kapildeo Singh Resident of village - Sherpur
P.O. Jadhua Panchayat- Karnpura, Police Station Ganga Bridge, District -
Vaishali, Hajipur.

.... Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Vaishali at Hajipur.
4. The S.D.O., Hajipur
5. The District Supply Officer Vaishali, Hajipur.
6. The Block Supply Officer, Hajipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajib Ranjan Jha, Advocate

For the Respondents : Mr. Sita Ram Yadav, GP15

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-01-2018

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

2. The present writ petition has been filed for setting aside the order dated 03.05.2016 passed by the respondent no. 2 in E.C. Appeal No. 70 of 2016 whereby and whereunder he has set aside the appeal filed by the petitioner and upheld the order dated 23.02.2016 passed by the respondent no. 3 in P.D.S. Appeal No. 04/2013-14 as well as the order passed by the Respondent No. 4 vide memo bearing No. 280 dated 15.03.2013 and/or for issuance of appropriate writ or writs to restore the P.D.S. shop of the petitioner which has been cancelled arbitrarily and mechanically by the respondents.

3. Learned counsel for the petitioner makes a short



submission challenging the impugned orders as being arbitrary and in violation of the principles of natural justice. It is pointed out that the petitioner had filed detailed replies to the two show cause notices, the first submitted on 03.12.2012 (Annexure-3) and the second submitted on 08.02.2013 (Annexure-7) but the same have not been considered in their proper perspective by the Sub-Divisional Officer, Hajipur (respondent no. 4), while passing the impugned order of cancellation (Annexure-8). The said order has been passed mechanically and without assigning reasons for not accepting the defence of the petitioner and hence, such order can only be termed as non-speaking order which has been passed merely with the observation that the show cause replies of the petitioner are not satisfactory and have been rejected as such.

4. In such circumstances, the impugned order of cancellation of licence cannot be held to be a speaking order and has been passed in violation of the principles of natural justice. Accordingly, the said order of cancellation (Annexure-8) is hereby quashed. Consequently, the appellate order dated 23.02.2016 (Annexure-9) as well as the order of the Commissioner, Tirhut Division, Muzaffarpur (Annexure-10) cannot also be sustained and the same are also quashed. The matter is remanded to the Sub-Divisional Officer, Hajipur (respondent no. 4) for passing a fresh speaking order in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed



by the respondent no. 4.

5. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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