

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14024 of 2015

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Prabhat Kumar Verma Son of Kanhaiya Lal Prasad, Resident of village - Patkhauli, P.O.- Musahri Bazaar, P.S.- Vijaipur, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through, the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
3. The Collector-cum-District Magistrate, Gopalganj
4. The Senior Deputy Collector, Gopalganj
5. The District Supply Officer, Gopalganj
6. The Sub-Divisional Officer, Hathua, District- Gopalganj
7. The Block Supply Officer, Vijaipur, District- Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Adv
For the Respondent/s : Mr.S.S. PRASAD- SC10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2018

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 contained in Memo No. 1590/C dated 25.08.2014 (Annexure-8) by which P.D.S. licence granted to the petitioner bearing Licence No. 17/2007 has been cancelled by the Sub-Divisional Officer, Hathua (respondent no. 6).

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.

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. 1590/C dated 25.08.2014 (Annexure-8) passed by the Sub-Divisional Officer, Hathua (Respondent No. 6) 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. Licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 6.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/Md. Ibrarul

AFR/NAFR	NAFR
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