

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16217 of 2015

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Suresh Paswan Son of Sri Kishun Paswan, Resident of village- Habibpur, P.S.-
Gurua, District- Gaya

.... Petitioner

Versus

1. The State of Bihar through Secretary, Department of Food and Civil Supplies,
Bihar, Patna
2. The District Magistrate, Gaya
3. The S.D.O., Sherghati, District- Gaya
4. The Assistant District Supply Officer, Sherghati, District - Gaya
5. Block Supply Officer, Gurua, District- Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Md. Javed Jafar Khan, Advocate.

For the Respondents : Mr. Manindra Kishore Singh, SC-6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2018

The present writ petition has been filed for the
following reliefs –

*“(a) To quash the order dated 10.11.2008 passed by S.D.O.,
Sherghati, District- Gaya passed in Supply Case No. 83/2008
whereby and whereunder he has cancelled the license of the
petitioner for Public Distribution System shop being License
No. 296/2007 which is contained in Annexure-5 to this
petition.*

*(b) For issuance of further writ in the nature of certiorari
to quash the appellate order dated 13.03.2013 passed by
the court of D.M., Gaya in Supply Appeal Case No. 15/2011
dismissing the appeal and confirmed the order dated
10.11.2008 passed by S.D.O. Sherghati passed in Supply Case*



No. 83/2008 which is contained in Annexure-8.

(c) To direct the respondents to reinstate the petitioner's license of Public Distribution System Shop and make the allotment of articles for distribution for the same to the consumers.

(d) Grant such other relief/reliefs to which the petitioner is being found entitled in the facts and circumstances of this case."

2. 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.

3. Learned counsel for the respondents appears and has been heard.

4. 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.

5. Accordingly, the impugned order dated 10.11.2008 (Annexure-5) passed by the Sub-Divisional Officer, Sherghati, Gaya (Respondent No. 3) and the appellate order dated 13.03.2013 (Annexure-8) passed by the District Magistrate, Gaya are hereby quashed and the matter is remanded to the Sub-Divisional Officer, Sherghati, District- Gaya 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. License of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul /BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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