

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8003 of 2016

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Ram Bali Yadav S/o Late Bishram Yadav, Resident of Village - Bhaluhar, Gram Panchayat - Chilor, P.S. - Gurua, District - Gaya.

.... Petitioners

Versus

1. The State of Bihar through the Collector, Gaya.
2. The Collector, Gaya.
3. The Sub Divisional Officer, Sherghati, Gaya.
4. The Block Supply Officer, Gurua, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondents : Mr. Raj Nandan Prasad, SC-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-05-2018

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 27.11.2014 by which the license granted under the provision of PDS order 2001 for carrying on business of Fair Price Shop has been cancelled and also for quashing the order dated 28.01.2016 passed in Supply Case No. 40/2014 (*Ram Bali Yadav Vrs. The State of Bihar*) by which the appeal filed by the petitioner has been rejected by learned Collector.

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. The stand of the petitioner has not been controverted in the counter affidavit.

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 28.01.2016 passed in Supply Case No. 40 of 2014 (Annexure-4) as well as the impugned order dated 27.11.2014 (Annexure-3) are hereby quashed and the matter is remanded to the Sub-Divisional Officer, Sherghati, 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. Supplies to the petitioner shall be restored without delay until



fresh orders are passed by the respondent no. 3.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
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