

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21877 of 2014

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Ramashish Ravidas son of Deodhari Ravidas resident of village - Noni Dih, P.S.
- Ben, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nalanda at Biharsharif.
2. The Commissioner, Patna Division, Patna.
3. The Sub Divisional Officer, Rajgir, Nalanda.
4. The Block Supply Inspector Ben, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2018

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. 1711 dated 05.08.2004 passed by the Sub Divisional Officer, Rajgir and the appellate order dated 05.09.2008 in Supply Appeal No. 31/2004 passed by the District Magistrate, Nalanda at Biharsharif by which P.D.S. licence granted to the petitioner bearing Licence No. 26/1996 has been cancelled and monthly allotment has been stopped; and further to restore the petitioner's licence.

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. None appears on behalf of the respondents despite repeated



calls.

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 dated 05.08.2004 (Annexure-5) passed by the Sub-Divisional Officer, Rajgir and the appellate order dated 05.09.2008 (Annexure-6) are 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. 3.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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