

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21308 of 2014

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Umesh Rajak s/o- Parmanand Rajak Resident of Village- Harpur Alloth P.S.-
Musarigharari Distt.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The District Magistrate Samastipur.
3. The Sub Divisional Magistrate Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Adv

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2018

The present writ petition has been filed for quashing the order dated 27.03.2012 in Case No. 27/2009 passed by the Collector, Samastipur affirming the order dated 08.07.2009 passed by the Sub-Divisional Officer-cum-Licensing Authority, Samastipur by which the PDS licence of the petitioner has been cancelled and monthly allotment has been stopped; and further to restore the petitioner's licence.

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. None appears on behalf of the respondents despite repeated calls.

4. Having heard learned counsel for the petitioner 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 08.07.2009 (Annexure-3) passed by the Sub-Divisional Officer, Samastipur (Respondent No. 3) and the appellate order dated 27.03.2012 (Annexure-5) are hereby quashed and the matter is remanded to the Sub Divisional Officer, Samastipur 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.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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