

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4679 of 2019

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Shashi Bhushan Paswan, aged about 52 years, Male, Son of Sri Laxmi Narayan Paswan Resident of Village-Jhandapur West, Post-Jhandapur West, P.S. Bihpur, District-Bhagalpur

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna
2. The District Magistrate-Cum-Collector c Bhagalpur
3. The District Supply Officer, Bhagalpur
4. The Sub-Divisional Officer-Cum-Licensing Authority, Naugachia, Bhagalpur

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Bishwajeet Pandey, Advocate
For the Respondent/s : Mr. U.P. Singh A.C. to SC4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-07-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner, in the present case, is aggrieved by and dissatisfied with the order dated 09.10.2018 passed by the respondent no. 4 i.e. the Sub-Divisional Officer-cum-Licensing Authority, Naugachia has cancelled the licence of fair price shop of the petitioner.

In course of argument, learned counsel for the State accepts the factual position as appearing from the impugned order (Annexure '5' to the writ application) that there is no consideration of the explanations submitted by the petitioner while passing the impugned order.



A bare perusal of the impugned order shows that the Licensing Authority though called for the explanation and the explanation was submitted, he did not look into the same and in one line by recording that upon consideration of the explanation he found that the petitioner has committed violation of the terms of licence, cancelled the licence. This according to this court cannot be held legal and valid.

The impugned order is fit to be set aside on the ground of non-consideration of the explanation which in turn would be a violation of principles of natural justice. The impugned order is, thus, hereby set aside.

The matter is remitted to the Sub-Divisional Officer, Naugachia to pass a fresh reasoned order after holding an enquiry against the petitioner. Let the whole exercise be completed within a period of 90 days from the date of receipt/production of a copy of this order. In the meantime, the licence and supplies of the petitioner shall stand restored.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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