

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3527 of 2019

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Sanjeev Kumar @ Sanjeev Kumar Mandal, aged about 66 years (male), son of Bhog Lal Mandal, resident of village -Amaha, Ward No. 9, Amaha, P.S.-Pipra, District-Supaul

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna
2. The Principal Secretary Department of Food and Civil Supplies, Govt. of Bihar, Patna
3. The District Officer-cum-District Magistrate, Supaul
4. The Sub-Divisional Officer, Supaul, District -Supaul
5. The Block Supply Officer, Pipra, District-Supaul

... .. Respondents

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Appearance :

For the Petitioner : Mr. Amrit Abhijat, Advocate
For the Respondents : Mr. AlokRanjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 11-06-2019

This matter has been heard and is being taken up for final disposal at the admission stage itself with consent of the parties.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioner :

“(A) To issue a writ in the nature of certiorari setting aside the order dated 22.10.2018 contained in Memo No. 1704-2 passed by the Respondent Sub-Divisional Officer, whereby and where-under he was pleased to cancel the P.D.S. dealership license of petitioner vide Licence No. 123/2016/91/2007 exercising authority under paragraph No. 25(1)(Ka) (Kha) (Ga) and (Gha) of Licence Public Distribution System (Control Order)-2016 and further for directing/commanding the Respondents to restore the P.D.S. dealership license of



the petitioner.

(B) And/or any other order(s), direction(s), writ/writs for granting any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of this case.”

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. No counter affidavit has been filed till date.

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 contained in Memo No.



1704-2 dated 22.10.2018 (Annexure-6) passed by the Sub-Divisional Officer, Supaul (Respondent No. 4) is 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. 4.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.06.2019
Transmission Date	N.A.

