

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4581 of 2019

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Jitan Ray Son of Rijhan Ray Resident of Village- Shivaipatti, Ward No.10,
P.S.- Shivaipatti, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department,
Old Secretariat, Patna
2. The S.D.O., Pupri, Sitamarhi
3. The Block Supply Officer, Bajpatti, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Anand, Adv. Ms. Sarita Kumari, Adv.
For the Respondent/s	:	Mr.U.P. Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

In view of a reasonable and fair stand taken on behalf
of the State, this Court is not required to call upon the State to
file a counter affidavit. It appears on perusal of the impugned
order, as contained in memo no.436 dated 22.10.2018
(Annexure-6 to the writ application), that the Sub-Divisional
Officer, Pupri (Sitamarhi) has, upon receipt of the
explanation/show cause from the petitioner, sent the same for
comment and opinion to the Block Supply Officer and then
whatever comment/opinion were received from the Block
Supply Officer, Bajpatti, the Sub-Divisional Officer has simply



recorded the same and cancelled the licence of the fair price shop of the petitioner.

Learned counsel for the petitioner has submitted before this Court that the manner in which the licensing authority has cancelled the licence it shows that he has no time to apply his own judicious mind. He has not conducted any enquiry and whatever have been opined by the Block Supply Officer, Bajpatti has been accepted even without verification of the statements of the beneficiaries who are said to have made allegations that the food-grains were not received by them and those were not mentioned in their ration card. Learned counsel submits that on this ground alone the impugned order is liable to be set aside.

Learned counsel for the State has, after going through the impugned order, made a submission that the matter may be remanded to the licensing authority for a fresh consideration after giving an appropriate opportunity to the petitioner in accordance with law.

Having heard learned counsel for the petitioner and the State, this Court finds from the impugned order that the Sub-Divisional Officer has not applied his own judicious mind before cancellation of the licence. He has simply recorded the



recommendation/opinion of the Block Supply Officer, Bajpatti and proceeded to cancel the licence in question. This Court had occasion to consider the similar matter in CWJC No.2090 of 2019 wherein the impugned order was set aside on this ground alone and the matter was remitted to the licensing authority.

In the facts of the present case, the impugned order is hereby set aside. The matter is remitted to the Sub-Divisional Officer, Pupri (Sitamarhi) who will now proceed afresh to conduct an enquiry, verify the allegations against the petitioner and after giving him an opportunity of hearing pass a reasoned order within a period of 90 days from the date of receipt/production of a copy of this order.

As a result of the setting aside of the impugned order, the licence of the petitioner shall stand restored.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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