

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3764 of 2019

Chandeshwar Prasad Yadav, aged about 45 years, Male, Son of Sri Gokhul Prasad Yadav Resident of Village- Dumaria Panchayat P.S.- Majhaulia, District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna
2. The District Magistrate, Bettiah, West Champaran
3. The Sub Divisional Officer, Bettiah, West Champaran
4. The Additional District Supply Officer, Bettiah cum Block Supply Officer, Bettiah, District- West Champaran

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary
For the Respondent/s : Mr.S.Raza Ahmad (AAG5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-07-2019 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 as contained in Memo no. 536 dated 31.07.2018 passed by the Sub-Divisional Officer, Bettiah (Annexure '4') by which the PDS Shop license of the petitioner has been cancelled.

Learned counsel for the petitioner submits that the impugned order is liable to be set aside on the solitary ground of non-consideration of the materials available on the record. It is submitted that no doubt a show cause notice was issued to the petitioner but when the petitioner submitted his



reply/explanation as contained in Annexure '3' to the writ application the same has been rejected by simply recording in one line that the explanation furnished by the petitioner has not been found satisfactory. It is submitted that in the whole order the Sub-Divisional Officer has not taken pain to deal with single explanation of the petitioner.

Learned counsel for the State is present, however, being unable to answer the issues raised by the petitioner learned counsel submits that it seems to be a case in which the show cause has not been discussed and examined by the Sub-Divisional Officer, therefore, the matter may be remitted to the concerned authority for a fresh consideration in accordance with law.

In the given facts and circumstances of the case, after hearing learned counsel for the petitioner and learned counsel for the State, this court finds that the impugned order as contained in Annexure '4' is without consideration of the materials available on the record. The impugned order does not take into consideration the stand of the petitioner and has simply rejected the explanation saying that it is not satisfactory. He has also taken the view towards cancellation of the license being influenced by the fact that one F.I.R. has been lodged against the



petitioner and recommendation has been made for cancellation of the license.

The impugned order is, thus, set aside. The license of the petitioner is restored and the matter is remitted to the Sub-Divisional Officer, Bettiah Sadar to examine the explanation of the petitioner and take a view thereon in accordance with law. A fresh order giving reasons and dealing with the explanation of the petitioner be passed within a period of three months from the date of receipt/production of a copy of this order.

The Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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