

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5067 of 2019

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Nageshwar Singh Son of Late Sonelal Singh Resident of Ward No.13,
Hanuman Nagar, Parwa, P.S. and District- Madhubani Petitioner

Versus

1. The State Of Bihar through the Secretary, Food and Civil Consumer Protection Department, Bihar, Patna
2. The Divisional Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate, Madhubani
4. The Sub Divisional Officer, Jaynagar (Madhubani)
5. The District Supply Officer, Madhubani
6. The Block Supply Officer, Jaynagar (Madhubani)

... .. Respondents

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Appearance :

For the Petitioner/s : Mrs. Namrata Mishra, Advocate
Mr. Ratanakar Jha, Advocate

For the Respondent/s : Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

In view of the stand taken on behalf of the State saying
that this case would be squarely covered by the reasoning and
rational provided in the order dated 30.01.2019 passed in C.W.J.C.
No. 1503 of 2019 (Rajendra Prasad Yadav Vs. The State of Bihar
& Ors.), this Court is not calling for a counter affidavit.

Learned counsel for the petitioner has shown from the
impugned order that instead of considering the explanation of the
petitioner and looking into the affidavit filed by the beneficiaries
in support of the petitioner, the licensing authority has proceeded
to cancel the license on the basis of recommendation sent to the



Sub-Divisional Officer, Jaynagar, Madhubani (respondent no. 4) by the Block Supply Officer but the copy of the said recommendation of the Block Supply Officer was never served upon the petitioner. It is submitted that on the face of the affidavit supporting the petitioner, there was no reason for Block Supply Officer to make a recommendation that the license of the petitioner be cancelled.

It is submitted that it is a case of abdication of power as the licensing authority seems to have acted solely on the basis of the recommendation of the Block Supply Officer.

In the given facts and circumstances of the case, the impugned order as contained in Annexure '8' to the writ application cancelling the license of the petitioner is hereby set aside. The matter is remitted to the Sub-Divisional Officer, Jaynagar, Madhubani (respondent no. 4) for consideration of the materials available on the record and pass a reasoned order after giving an appropriate opportunity of hearing to the petitioner.

In the meantime the license and supply of the petitioner shall stand restored.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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