

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23678 of 2018

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Lalan Rajwar @ Lalan Rajvanshi, S/o- Bhikhar Rajwar @ Bhyikhar Rajvanshi, R/o- Village Arai, Tola Umer Bigha, P.S. Haspura, District- Aurangabad Bihar. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Aurangabad.
2. The District Magistrate, Aurangabad.
3. The Sub Divisional Officer, cum Divisional Magistrate, Daudnagar, Aurangabad.
4. The Block Supply Officer, Barun, Aurangabad.
5. The Block Supply Officer, Madanpur, Aurangabad.
6. The Block Supply officer, Daudnagar, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Sanjay Kumar, Advocate
For the Respondent/s : Md. Anisul Haque, AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-07-2019 Heard learned Senior Counsel for the petitioner and
counsel for the State.

Petitioner in this case is aggrieved by the order dated 06.10.2017 as contained in Annexure '4' to the writ application by which the P.D.S. Shop license of the petitioner has been cancelled with immediate effect.

Learned Senior Counsel for the petitioner has submitted before this court that from perusal of the impugned order, it would appear that the licensing authority has not at all looked into the explanation of the petitioner. He has simply recorded the allegation, the report of the Enquiry Officer and then what has been held by the Supreme Court in S.L.P No 196 of 2001.



Learned counsel for the State submits that in the given facts and circumstances where it is apparent that no consideration has been given to the explanation of the petitioner, the matter may be remitted to the Sub Divisional Officer, Daudnagar.

In the given facts and circumstances, the impugned order as contained in Annexure '4' to the writ application is hereby set aside and the matter is remitted to the Sub Divisional Officer, Daudnagar to pass a fresh reasoned order after giving an appropriate opportunity of hearing to the petitioner within a period of 90 days from today.

The licensing authority shall keep in mind that if an explanation is submitted by the petitioner in pursuance of his show cause notice, the same must be considered on each and every aspect and only then reasoned order may be passed.

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

The writ application shall stand dismissed.

(Rajeev Ranjan Prasad, J)

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