

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14975 of 2019

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Mahmud Alam Son of Nasirudin Resident of Village- Bhadeja, Village Panchayat- Bhadeja, Police Station- Gaya Mufasil, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate Gaya.
3. The Sub- Divisional Officer Sadar Gaya.
4. The Block Supply Officer Manpur, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr. AC to Aag 5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner in this case is aggrieved by and dissatisfied with the order as contained in Memo no. 642 dated 06.07.2019 by which the P.D.S. Shop license of the petitioner has been cancelled.

Learned counsel for the petitioner submits that from bare perusal of the impugned order it appears that after recording the explanation of the petitioner the Sub-Divisional Officer, Sadar, Gaya has proceeded to cancel the license of the P.D.S. Shop of the petitioner by simply recording that the explanation furnished by the petitioner are after thought,



baseless and fabricated.

It is submitted that it is difficult to understand as to what is the basis of the Sub-Divisional Officer, Sadar, Gaya reaching to this conclusion. It is submitted that it is a case of non-consideration of the show cause.

Learned counsel for the State having gone through the impugned order submits that in the given facts and circumstances, the matter may be remitted to the Sub-Divisional Officer, Sadar, Gaya for a fresh consideration.

In the given facts and circumstances of the case, the impugned order as contained in memo no. 642, dated 06.07.2019 is hereby set aside.

This Court would like to record that the Sub-Divisional Officer, Sadar, Gaya has not at all applied his judicious mind to the explanation furnished by petitioner. He being the licensing authority and exercising drastic power of cancellation of license cannot act in the manner he has done in the present case. He should have gone through the explanation and then would have recorded his finding after verification of the materials and the evidences on the record which has not been done in the present case.

The impugned order is, thus, set aside and the matter



is remitted to the Sub-Divisional Officer, Sadar, Gaya for a fresh consideration after giving appropriate opportunity of hearing to the petitioner.

Let the whole exercise be completed within a period of 90 days from the date of receipt/production of copy of this order.

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

(Rajeev Ranjan Prasad, J)

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