

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17224 of 2019

=====

Gopal Ram, aged about 42 years, Son of Mahendra Ram, Resident of Ward No.20, Beldaur, P.O.- Beldaur, P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar.
2. The District Magistrate-cum-Collector, Khagaria.
3. District Supply Officer, Khagaria, District-Khagaria.
4. The Sub-Divisional Officer, Gogari, Beldaur, District - Khagaria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 28-11-2019

The PDS licence of the petitioner has been cancelled by order dated 27.06.2019 passed by the Sub-Divisional Officer, Gogari, Khagaria.

2. From the perusal of the order impugned, it appears that the petitioner, though, was given an opportunity to explain and show-cause as to why his licence be not cancelled, as during the course of inspection, it was found that several irregularities were being committed in the running of the PDS shop. Though the irregularities discerned at the time of enquiry has been noted down in the



order, viz., the shop having been found closed on the day of enquiry, complaint of consumers of non-supply of ration, supply the same on higher rates and delivery of lesser quantity, but the order completely ignores to mention the explanation offered by the petitioner and the reason why such explanation has not found favour with him.

3. The learned counsel for the petitioner has submitted that the enquiry report has also not been furnished to the petitioner for him to have effectively defended his case.

4. From the perusal of the order, it appears writ large that it is a non-speaking order.

5. This Court is not in a position to know whether the assessment of the Sub-Divisional Officer, Gogari, Khagaria in holding the explanation offered by the petitioner to be unsatisfactory is based on what grounds. If an order is assailable, it has to be an informed one or else no help would be rendered to the reviewing authority in testing the correctness of the order.

6. For the order to be absolutely silent about the



reasons for coming to the conclusion and cancelling the licence of the petitioner, the same is unsustainable in the eyes of law.

7. The order impugned dated 27.06.2019 is, accordingly, set-aside.

8. The matter is remitted to the Sub-Divisional Officer, Gogari, Khagaria to write out a fresh order in accordance with law within a period of thirty days from the date of receipt/production of a copy of this order.

9. The petitioner shall be furnished a copy of the enquiry report.

10. Till such time a decision is taken, the petitioner shall not be given any allotment against his PDS licence.

11. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.12.2019
Transmission Date	N/A

