

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1625 of 2019

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Lakshman Dyal Son of Ram Krishna Sah Resident of Village- Chandra
Mandih, P.S.- chandra Mandih, Distt. Chakai

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Food and Civil Supplies Bihar, Patna
3. The Collector, Jamui. Bihar
4. S.D.O. Jamui
5. Block Supply Officer, Jamui
6. Incharge Legal Branch Jamui

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ebrahim Kabir, Advocate Ms. Shruti Sinha, Advocate
For the Respondent/s	:	Mr. S.S.P. Sinha, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-02-2019 This application has been preferred for setting aside the order dated 18.09.2018, as contained in Annexure-5 to the writ application, by which the Sub-Divisional Officer, Jamui has cancelled the PDS license of the petitioner.

Learned counsel for the petitioner submits that in the show cause notice there was no proposal to cancel the license. Pursuant to the show cause, petitioner had submitted his reply vide Annexure-4 to the writ application, but the same has not been considered by the Sub-Divisional Officer, Jamui. It is submitted that the impugned order as contained in Annexure-5 is an unreasoned order and is liable to be quashed on this ground alone. He has also relied on a judgment of learned coordinate bench of this court in CWJC No. 24031/2018 in this connection.



Learned counsel for the State is present.

Having heard learned counsel for the parties and on perusal of the records, this court finds that the impugned order as contained in Annexure-5 is a totally unreasoned order. The Sub-Divisional Officer, Jamui has though mentioned that a show cause was called for from the petitioner and the petitioner had submitted his reply but thereafter the Sub-Divisional Officer did not take care to consider the same and in one line the license has been cancelled. This court, thus finds that the Sub-Divisional Officer, Jamui being a statutory authority has not acted in accordance with law. The impugned order is, therefore, set aside.

The matter is remitted to the Sub-Divisional Officer, Jamui to consider the show cause of the petitioner and take a fresh decision keeping in mind the judicial pronouncements on the subject. The whole exercise shall be completed by the Sub-Divisional Officer, Jamui within a period of 60 days from the date of receipt/production of a copy of this order.

Accordingly, this application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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