

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9404 of 2017

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Sunil Kumar Son of Satyanarayan Poddar Resident of Village P.O. and P.S.-
Alauli, District - Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Khagaria, District - Khagaria.
3. The Sub-Divisional Officer, Khagaria, District - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal-SC 4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 20-05-2019

Heard the learned counsel for the parties.

2. This writ application has been filed challenging the order dated 25.05.2017 passed by the Sub-Divisional Officer, Khagaria contained in Memo No. 162 whereby and whereunder the license of the petitioner's Fair Price Shop bearing License No. 01A/2007 was cancelled on the ground that the show cause filed by the petitioner has not been found satisfactory.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order of cancellation to the effect that the same has been passed



mechanically and without due application of mind and without assigning any reason for such cancellation.

4. Having heard the learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the submission made on behalf of the petitioner.

5. A bare perusal of the impugned order discloses that the petitioner's Fair Price Shop license has been cancelled on the sole ground that the show cause reply filed by him was not satisfactory, without assigning any single reason whatsoever as to why the same was not found satisfactory. There is no discussion in the order with regard to the plea raised by the petitioner in his show cause reply and why the same did not find favour with the authority.

6. In such circumstances, therefore, it must be held that the impugned order is not a speaking order and is thus unsustainable in law.



7. Accordingly, the impugned order contained in memo No. 162 dated 25.05.2017 (Annexure-1) passed by the Sub-Divisional Officer, Khagaria (respondent no. 3) is hereby quashed and the matter is remanded to him to consider and dispose of the matter afresh by passing a speaking order after grant of opportunity of hearing to the petitioner in accordance with law. The order shall be passed within a period of four weeks of the receipt/production of a copy of this order.

8. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2019
Transmission Date	

