

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21329 of 2019

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Surendra Singh, S/o Devki Nandan Singh, Resident of Village- Abulhasanpur,
P.S.- Vaishali, Distt. - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. The District Magistrate-cum-Collector, Vaishali, District- Vaishali.
3. The Sub-Divisional Officer, Hajipur, Vaishali, District- Vaishali.
4. The Marketing Officer, Vaishali, P.S.- Vaishali, District- Hajipur.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 28-11-2019

Heard Mr. Sumeet Kumar Singh, the learned Advocate for the petitioner and Mr. Alok Ranjan for the State.

2. The petitioner has challenged the order dated 11.09.2019 passed in Supply Case No. 33 of 2019 by the Sub-Divisional Officer, Hazipur, whereby the PDS licence of the petitioner has been cancelled.

3. The sole contention of the petitioner is that the order is non-speaking in as much as the allegation, the



show-cause reply and the relevant sections of the Bihar Targeted Public Distribution System (Control) Order, 2016 (*in short the Order of 2016*) has been quoted, but for coming to a conclusion that the allegations against the petitioner are correct and those have rendered the licence of the petitioner subject to cancellation, has been spelled out.

4. From the perusal of the order impugned, it appears that the details of the accusation against the petitioner has been noted down and the explanation of the petitioner also has been referred to. The explanation has been rejected on the ambit of the requirement under Section 16 of the Order of 2016, which is self-explanatory.

5. This Court would not consider the aforesaid manner of drafting the order to be non-speaking one. Hence, this Court would not like to interfere with the order impugned in view of the fact that there is a provision of appeal under Rule 32(iii) of the Order of 2016.

6. While assailing the order impugned, the learned counsel for the petitioner has referred to paragraph 14 and 15 of the judgment of the Supreme Court in ***Central***



Board of Trustees Vs. M/s Indore Composite Pvt. Ltd.;
2018(3) PLJR (SC) 380.

7. For the sake of completeness, the following two paragraphs of the aforesaid judgment are being extracted hereinbelow:-

“**14.** Indeed, in the absence of any application of judicial mind to the factual and legal controversy involved in the appeal and without there being any discussion, appreciation, reasoning and categorical findings on the issues and why the findings impugned in the writ petition deserve to be upheld or reversed, while dealing with the arguments of the parties in the light of legal principles applicable to the case, it is difficult for this Court to sustain such order of the Division Bench. The only expression used by the Division Bench in disposing of the appeal is “on due consideration”. It is not clear to us as to what was that due consideration which persuaded the Division Bench to dispose of the writ petition because we find that in the earlier paras only facts are set out.

15. Time and again, this Court has emphasized on the Courts the need to pass reasoned order in every case which must contain the narration of the bare facts of the case of the parties to the lis, the issues arising in the case, the submissions urged by the parties, the legal principles applicable to the issues involved and the reasons in support of the finding on all the issues arising in the case and urged by the learned counsel for the parties in support of its conclusion. It is really unfortunate that the Division Bench failed to keep in mind these principles while disposing of the writ petition. Such order, in our view, has undoubtedly caused prejudice to the parties because it deprived them to know the reasons as to why one party has won and other has lost. We can never countenance the manner in which such



order was passed by the High Court which has compelled us to remand the matter to the High Court for deciding the writ petition afresh on merits.”

8. The proposition of law with respect to any order, even an administrative one for being an informed one, is too well established to be now further adumbrated upon. Any order for being sustainable is required to have reasons in support of the aforesaid decision.

9. As noted above, this Court finds that though the manner of drafting the order may not be happy, but it does provide a clear/unambiguous reason rejecting the contention of the petitioner.

10. However, instead of entertaining the present petition and sustaining the order of the Sub-Divisional Officer, Hazipur, this Court deems it appropriate to, in the event of there being a statutory provision under Rule 32(iii) of the Order of 2016, directs that in case an appeal is preferred under the aforesaid provision of the Order of 2016, the same shall be considered on its own merit by the appellate authority within the statutory period, without being prejudiced by the fact that the present petition has not been



entertained by this Court.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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