

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23498 of 2019

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Umesh Das Son of Ram Briksh Das, Resident of Ambedkar Nagar, P.S. -
Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Consumer Protection
Department, Old Secretariat, Patna.
2. The SDO, Sadar Gaya.
3. The Block Supply Officer, Belaganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Anand
For the Respondent/s	:	Mr. Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-11-2019

Heard the learned counsel for the petitioner and
the State.

The petitioner seeks to challenge the order dated
14.10.2019 passed by the SDO, Sadar, Gaya, whereby
the PDS license of the petitioner has been cancelled.

Though the procedural formalities for initiation of
proceeding against the petitioner appear to have been
followed but the order impugned is stated to be completely
non-speaking.



On perusal of the order impugned, it appears that the allegations, though, have been noted in the order and it has also been recorded that explanation has been offered by the petitioner but while rejecting such explanation, no reasoning has been given except for stating that the reasoning appeared to have been formulated post the decision to suspend the license of the petitioner.

This cannot be a cogent ground for cancelling the license of the petitioner. Times without number, the importance of a speaking order has been emphasized by this Court as well as the Apex Court. Absence of reasons make an order highly unsustainable for several reasons, one among them be that it cannot be reviewed by any authority as the drift of the mindset of the author of the order would remain unknown and obscure.

For solely the aforesaid reason, the order impugned is set aside.

The matter is remitted to the SDO, Sadar, Gaya for writing out a fresh order in accordance with law giving



reasons for cancelling the license of the petitioner. The order shall be passed within a period of 30 days of receipt / production of a copy of this order.

Needless to state that the petitioner shall be given an opportunity of defending his cause. It has also simultaneously made clear that till the time the petition is decided, there shall be no allotment to the petitioner.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	03.12.2019
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