

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23504 of 2019

Most. Jagia Devi alias Jagia Devi wife of Bisun Yadav resident of Village-
Gamhari, P.S. Fatehpur, Jaipur, District- Gaya.

... .. Petitioner/s

Versus

1. The Principal Secretary, Food and Consumer Protection Department Bihar at Patna.
2. The District Magistrate, Gaya, District- Gaya.
3. The Sub Divisional Officer, Licensing Authority, Sadar Gaya, P.S.- Sadar Gaya, District- Gaya.
4. The District Supply Officer, Gaya, District- Gaya.
5. The Assistant District Supply Officer, Gaya, District Gaya.
6. The Circle Officer, Fatehpur, P.S. Fatehpur, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh
For the Respondent/s	:	Mr.S.Raza Ahmad (AAG5)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-11-2019

Heard the learned counsel for the parties.

The petitioner has challenged the order dated 14th of September, 2019 contained in Memo No. 868(a) passed by the Sub-Divisional Officer, Sadar, Gaya, whereby the PDS license of the petitioner has been cancelled on the ground that the order is non-speaking.

It is rather strange that on an earlier occasion, when the order of the same import was put to challenge, a



Bench of this Court *vide* order dated 04.01.2018 passed in C.W.J.C. No. 18388 of 2017 had set aside the order and had relegated the case to the concerned Sub-Divisional Officer for writing a fresh order in accordance with law after affording opportunity of hearing to the petitioner. On that occasion, the license of the petitioner was directed to be restored without any delay till any fresh order was passed by the concerned respondent.

The same mistake appears to have been committed / perpetuated while passing the order impugned.

For the reason of the order being non-speaking, it is again quashed.

The matter is again sent back to the respondent no. 2 / the District Magistrate, Gaya for writing a fresh order in accordance with law with a caution that a serious view would be taken if the directions of the Court are not followed while passing any order under the Act.



Since this is for the second time that the order passed by respondent no. 2 has been set aside on the ground of it being a non-speaking order, this Court directs that the license of the petitioner shall be restored in the meanwhile and shall continue till a final order is passed otherwise.

Needless to state that in the meantime, for securing the benefit to the customers tagged to the shop of the petitioner, the licensee shall be provided with the allotment of foodgrains to which he / she is entitled.

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
Transmission Date	

