

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20732 of 2018

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Harendra Kumar Singh son of Late Shiv Pujan Singh, resident of Village and P.O. Kudarbadha, P.S. Garkha, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra, District- Saran at Chapra.
3. The District Supply Officer, Saran at Chapra, District- Saran at Chapra.
4. The Sub Divisional Officer, Sadar Chapra, District- Saran at Chapra.
5. The Block Development Officer, Garkha, District- Saran at Chapra.
6. The Block Supply Officer, Garkha, District- Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioner/s : Ms. Anita Kumari, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner in the present case is aggrieved by the impugned orders as contained in Annexures 'P-4' and 'P-5' respectively passed by the Licensing Authority and the Appellate Authority respectively.

By the impugned order at Annexure 'P-4' the licensing authority has cancelled the Public Distribution Shop license of the petitioner on the ground of alleged irregularities. The said order has been affirmed by the Appellate Authority.

Learned counsel for the petitioner submits that on a



bare perusal of Annexure 'P-4', it would appear that the Licensing Authority has not at all applied his judicious mind to the explanation furnished by the petitioner. No consideration at all has been given to the explanation of the petitioner rather certain grounds which were not part of the allegation mentioned in Annexure 'P-1' have been taken against the petitioner to cancel the license.

Learned counsel for the State submits that after going through the impugned order he is of the opinion that the matter may be remitted to the Sub-Divisional officer, Sadar, Chapra for fresh consideration.

In the given facts and circumstances of the case, the writ application is being disposed of by setting aside the impugned orders as contained in Annexures 'P-4' and 'P-5' for the reasons inter-alia that for the primary reason that the impugned order nowhere speaks of consideration of the show cause of the petitioner. It only records that the show cause of the petitioner was not found satisfactory. In the opinion of this Court, the Licensing Authority while exercising his drastic power such as that of cancellation of license must have complied with all facets of the principle of natural justice. Only by saying that the show cause is not found satisfactory, he cannot be absolved



of his duty to enquire into the allegations by giving appropriate opportunity of hearing to the petitioner.

In view of the stand taken herienabove on behalf of the State as well, the matter is being remitted to the Sub Divisional Officer, Sadar Chapra (respondent no. 4) for a fresh consideration.

Let the fresh consideration be done within a period of 90 days from the date of receipt/production a copy of this order.

In the meantime, the license and the supply of the petitioner shall stand restored.

(Rajeev Ranjan Prasad, J)

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