

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25507 of 2019

=====

Rinku Devi, wife of Surendra Ram, resident of Village-Lahargawa, Katesar,
Police Station- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Sub Divisional Officer (West), Muzaffarpur.
5. The Block Supply Officer, Saraiya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha, Advocate Mr. A.K. Karna, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Anisul Haque, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-12-2019 The petitioner has challenged the order dated 06.09.2019 passed by the Sub-Divisional Officer, East, Muzaffarpur whereby the PDS license of the petitioner has been cancelled.

It appears from the impugned order that with respect to certain complaints which could be discerned during the course of raid of the shop of the petitioner, a show-cause notice was issued to him to which he did not



reply. Though no reason has been assigned in the writ petition or in the order impugned about not responding to the aforesaid notice but the order cancelling the license of the petitioner reflects that there was another enquiry conducted against the petitioner, which enquiry report perhaps weighed with the licensing authority in cancelling the license of the petitioner. It has also been submitted that the second enquiry report has not been provided to the petitioner.

Though the petitioner would not be justified in taking the aforesaid plea in view of the fact that he has not responded to the show-cause notice which was issued to him after the first enquiry report was submitted; nonetheless, in the absence of any clear statement in the order impugned as to what was the basis for coming to the finding that the license of the petitioner is liable to be cancelled, the order cannot be said to be a speaking order.

In all fairness therefore, this Court deems it



appropriate to set-aside the aforesaid order and remit the case to the Sub-Divisional Officer, East, Muzaffarpur for writing out a fresh order in accordance with law within a period of sixty days from the production of a copy of this order.

Needless to state that before passing any fresh order, petitioner shall be afforded the opportunity of hearing on his being given the report of the second enquiry about which reference has been made in the order impugned. All the grounds which would be raised by the petitioner shall be taken into account and then a reasoned order shall be passed.

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

Shageer/-

(Ashutosh Kumar, J)

U			
---	--	--	--

