

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3422 of 2020

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Ramkhelawan Paswan, Son of Daso Paswan, Resident of Village-Manmadho,
Chowar, Post-Tarwan, Police Station-Tankuppa, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Gaya Sadar, Gaya.
4. The Block Supply Officer, Tankuppa, Gaya.
5. The Marketing Officer, Tankuppa, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.

For the Respondent/s : Mr.Maruth Nath Roy, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2020 The present writ petition has been filed for quashing the order dated 10.10.2019 passed by the Sub-Divisional Officer, Gaya Sadar, Gaya, whereby and whereunder the PDS license of the petitioner bearing license No. 37 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that a bare perusal of the impugned order dated 10.10.2019 would show that the same has neither discussed the issues raised by the petitioner in his show cause reply nor shows any application of mind by the Sub-Divisional Officer nor is a speaking and a reasoned order, hence has been passed in violation of the well settled principles of law laid down by the Hon'ble Apex Court to the effect that the order passed by an



authority should not only be well reasoned and speaking order but should also show consideration of the reply filed by the incumbent as also show application of mind.

The learned counsel for the respondents submits that in case this Court is inclined to remit the matter back the Sub-Divisional Officer, Gaya Sadar, Gaya, he would definitely pass a well reasoned and just order .

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that the order passed by the Sub-Divisional Officer, Gaya Sadar, Gaya, dated 10.10.2019 is a non-speaking and an un-reasoned order, which does not show either any application of mind or consideration of the show cause reply filed by the petitioner, hence is unsustainable in the eyes of law. Hence, the order dated 10.10.2019 passed by the Sub- Divisional Officer, Gaya Sadar, Gaya is quashed, however, with liberty to the Sub-Divisional Officer, Gaya Sadar, Gaya to proceed further in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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