

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2989 of 2020

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Urmila Devi, Wife of Shiv Mangal Ray, Resident of Village-Saray Saho, P.O.-
Parsa, P.S. and Block-Dariyapur, District-Saran at Chapra.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anita Kumari
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 26-02-2020

Heard the learned counsel for the petitioner and
the State.

The petitioner has challenged the order dated
01.08.2017 passed by the Sub Divisional Officer-cum-
Licensing Authority, Sonapur in the district of Saran,
whereby the license of the petitioner has been cancelled;
as well as the order dated 30.07.2018 passed by the
District Magistrate, Chapra in Appeal No. 60 of 2017; and



order dated 11.11.2019 passed by the Commissioner Saran Division, Chapra in Supply Revision No. 212 of 2018, whereby the order of cancellation of the license of the petitioner has been upheld and justified.

The only ground raised on behalf of the petitioner is that all the authorities concerned viz. Licensing Authority, Appellate Authority as also the Revisional Authority have completely abdicated their function and have passed such orders without advertting to the reply of the petitioner and that also without giving any reason for differing with the explanation offered by the petitioner.

From the perusal of the order passed by the Licensing Authority, it gets reflected clearly that in view of the show cause reply filed by the petitioner, an opinion was sought from the Assistant District Supply Officer, Sonapur who had recommended for cancellation of license of the petitioner. The recommendation of the Block Supply Officer was quoted in verbatim and thereafter the order of cancellation was passed without citing any reason for



accepting the report of the Block Supply Officer. Similar kind of orders have been passed, as stated above, by the Appellate as well as the Revisional Authority.

This Court regrets to say that such abdication of the powers has left this Court with no option but to set aside all the orders impugned in seriatim.

All the impugned orders in the present petition are therefore set aside.

The matter is remitted to the Licensing Authority-cum-Sub Divisional Officer Saran at Sonapur (Respondent No. 5) to pass a fresh order in accordance with law within a period of 60 days from the date of production/receipt of a copy of this order.

Since a long time has elapsed, let a fresh notice be served upon the petitioner with reasonable opportunity to him to explain his cause.

Needless to state that this time, a reasoned order shall be passed by the Licensing Authority after adverting to the explanation offered by the petitioner.



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

(Ashutosh Kumar, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2020
Transmission Date	

