

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8053 of 2020

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Brij Mohan Mandal, Son of Hari Narayan Mandal Resident of Village-
Kumhara Vishanpur, Block- Durma, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate Sitamarhi, District- Sitamarhi.
3. The District Supply Officer Sitamarhi, District- Sitamarhi.
4. The Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District- Sitamarhi.
5. The Block Supply Officer Block- Dumra, District- Sitamarhi.
6. The Block Supply Officer Block- Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra
For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-11-2020 Heard Mr. Anil Chandra, learned counsel for the

petitioner.

This writ petition is directed against the order

dated 21.04.2020 contained in Memo No. 258 /Aa,

passed by the Sub-Divisional Officer-cum-Licensing

Authority, Sitamarhi (Sadar), district of Sitamarhi,

whereby the PDS license of the petitioner has been

cancelled.

It has been submitted on behalf of the



petitioner that pursuant to the show-cause notice issued to him regarding shortage of 16 quintals of wheat and 24 quintals of rice, he furnished his reply but the same has not been taken into account and the license has been cancelled by vaguely stating that the explanation offered by the petitioner is not found to be satisfactory.

Times without number, this Court has directed that an order can be understood and appreciated only if reasons are given in support of the decision taken. A non-speaking order is *non est* in the eyes of law.

The petitioner contends that on every issue, he had furnished his explanation. If those explanations did not find favour with the licensing authority, it was expected that reasons would be assigned for rejecting those explanations.

In the absence of any reason supporting the order, it is difficult for this Court to sustain the order impugned.

For the aforesaid reasons, the order impugned



is set aside.

The matter is remitted to Sub-Divisional Officer-cum-Licensing Authority, Sitamarhi (Sadar) (Respondent No. 4) to write out a fresh order in accordance with law and after giving reasons in support of the order. The order shall be passed after taking into consideration the explanation offered by the petitioner and giving reasons for agreeing or disagreeing from it. The proceedings shall be completed within a period of sixty days from the date of production/receipt of a copy of this order.

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

In the meantime, the interim arrangement made by the licensing authority shall continue.

(Ashutosh Kumar, J)

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