

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8288 of 2020

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Upendra Prasad Mandal S/o Kusum Lal Mandal Resident of Village-
Dwashay Doasi, P.S.- Dandkhora, District-Katihar.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Katihar.
3. The Sub Divisional Officer, Katihar.
4. The Block Supply Officer, Dandkhora, Katihar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. Arvind Ujjawal, SC 4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 25-11-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Senior Counsel for the petitioner and the learned Counsel for the State.

The petitioner is aggrieved by the order dated 3.7.2020 of the Subdivisional Officer -cum- Licensing Authority, Katihar, cancelling his Public Distribution System (PDS) Licence No. 4 of 2001.

Learned Senior Counsel had made a very limited, though very forceful submission that the impugned order shows total non application of mind as no reason whatsoever has been assigned in the



order.

In view of aforesaid submission, on 4.11.2020 learned State Counsel was allowed time to verify whether there is any other order on record containing reasons in support of the impugned order. Mr. Arvind Ujjawal, SC 4, appearing for the State, submits on instruction that apart from the impugned order dated 3.7.2020 there is no other order containing any reason in support of the impugned order.

The issue that the impugned order is not containing any reason therefore is not disputed with reference to the instruction received from the authorities by the State Counsel. Non assigning of reasons renders the order arbitrary and is clearly unsustainable.

The order dated 3.7.2020 issued by the SDO Katihar cancelling the petitioner's PDS licence therefore must be and is quashed. The authorities would be at liberty to pass orders afresh after assigning reasons within a period of four weeks from the date of receipt/production of a copy of this order.

The writ petition stands allowed.

(Madhuresh Prasad, J)

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