

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7917 of 2020

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Shyambabu Paswan Son of Chaudhary Paswan, Resident of Village-Malpur Singhera, P.S. Mahua, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Vaishali.
2. The Sub-Divisional Officer, Mahua, Dist. Vaishali.
3. The Incharge Block Supply Officer Cum Block Development Officer, Mahua, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agarwal, Sr. Advocate Mr.Manoj Kumar Pandey, Advocate
For the State	:	Mr.Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 09-10-2020

Heard learned counsel for the petitioner and learned counsel for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof. Learned counsel for the State states that he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The present writ petition has been filed *“for quashing the order dated 09.05.2020 passed by the learned S.D.O.*



Mahua, District Vaishali by which the P.D.S. Licence No.71/16 of the petitioner has been cancelled.”

3. Mr. N.K.Agrawal, learned Senior counsel appearing on behalf of the petitioner makes a short submission to assail the impugned order dated 09.05.2020 cancelling the petitioner's licence, to the effect that the said order has been passed without due application of mind and without considering the show cause reply filed by the petitioner. The solitary reason for cancelling the petitioner's licence is the reliance placed on the opinion of the Block Development Officer, who has recommended for cancellation of the licence and taking action against the petitioner. In other words, the Sub-Divisional Officer passing the cancellation order has nowhere considered the show cause reply of the petitioner, much less recorded his own satisfaction, rather he has mechanically adopted the recommendation of the Block Development Officer.

4. Learned counsel for the State appears and has been heard.

5. Having heard the parties and on a consideration of materials on record, this Court is of the view that the order passed by the Sub-Divisional Officer cannot be sustained as the same relies merely on the opinion of the Block Development



Officer and there is nothing therein to show that the Sub-Divisional Officer has himself applied his independent mind to the show cause reply filed by the petitioner. The impugned order dated 09.05.2020 (Annexure-5) passed by the Sub-Divisional Officer, Mahua, District- Vaishali is accordingly set aside and the matter is remanded to him to consider and dispose of the matter afresh by a speaking order after grant of opportunity of hearing to the petitioner in accordance with law. Licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 2.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. To enable the same, the petitioner shall furnish his mobile number and e-mail ID on the e-mail address of learned Advocate General not later than by 14.10.2020 for onward transmission to the concerned authority.

7. The writ petition stands allowed as above.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1



hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/Ibrar -

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.10.2020
Transmission Date	

