

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9773 of 2019

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Rajendra Ram, S/o Late Karu Ram R/o Vill-Bhandari (Marui), P.O.
Panchayat-Marui, P.S. Anchal-Roh, District-Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Dept., Govt. of Bihar, Old Secretariat, Patna-800015
2. The Divisional Commissioner Magadh Division, Gaya
3. The District Magistrate Nawada
4. The Sub Divisional Officer Rajauli, District-Nawada
5. The Block Supply Officer Roh, District-Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-01-2020 Heard Mr. Sidhendra Narayan Singh, learned

counsel for the petitioner and Mr. Upendra Pratap Singh,

for the State.

The petitioner is aggrieved by the order dated

30.03.2019 passed by the Sub-Divisional Officer, Rajauli

contained in memo no. 664, whereby the old license of

the petitioner viz License No. 12 of 2007 has been

cancelled.

Learned counsel for the petitioner has

challenged this order on several grounds but primarily on



the ground of non-application of mind so far as the cancellation of an old license is concerned.

It has been submitted that the petitioner has been granted new license under the Bihar Targeted Public Distribution System (Control) Order, 2016 and his License No. is 202 of 2017.

Though not in so many words, but learned counsel for the petitioner has pointed out that instead of cancelling the new license, an old license which had already expired and had lost its force has been cancelled.

True it is that it reflects non-application of mind over the facts of this case by the licensing authority.

The other grounds which has been raised by the petitioner are that the inspection report is defective and that wrong entries have been made in such inspection report. Apart from this, the petitioner has questioned the order on the ground that while suspending the license and initiating a proceeding against the petitioner, it was



not categorically stated that if the explanation offered by the petitioner will not be found to be satisfactory, the license would be cancelled. This omission on the part of the licensing authority, it has been urged, is in breach of Rule 27(2) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

For the reason that an old license which has already lost its force has been cancelled, this Court is *prima facie* of the view that the order reflects non-application of mind. It is not necessary for this Court now to advert to the other grounds raised in this writ petition.

The order impugned is set aside.

The matter is remitted to the Sub-Divisional Officer, Rajauli to write out a fresh order in accordance with law after furnishing the petitioner a copy of the enquiry report and affording him an opportunity of hearing. The exercise of writing out a fresh order shall be completed within a period of six weeks from the date



of production/receipt of a copy of this order.

The writ petition stands allowed to the extent indicated above.

(Ashutosh Kumar, J)

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