

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8109 of 2020

=====

Rajmati Devi, Wife of Sri Ramdev Prasad Yadav, Resident of Gonawan (Tola-Moti Bigha), Anchal/ P.S./District-Nawada, PIN-805110

... .. 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 District Magistrate, Nawada.
3. The Sub Divisional Officer, Nawada Sadar, District-Nawada.
4. The Block Officer, Nawada Sadar, District-Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh
For the Respondent/s : Mr. Gyan Shankar

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-11-2020 Heard Mr. Sidhendra Narayan Singh, learned counsel for the petitioner and Mr. Gyan Shankar, learned counsel for the State.

The petitioner is aggrieved by the order dated 04.04.2020 contained in Memo No. 192 passed by the Sub-Divisional Officer, Nawada Sadar, whereby the old license of the petitioner bearing License No. 46 of 1992 has been cancelled.

The learned counsel for the petitioner submits that only one day's time was given to the petitioner for



submitting his explanation.

Apart from this, it has been submitted that there is non-application of mind in as much as the Licensing Authority has not even cared to find out that what has been cancelled is an old license even when the petitioner has already applied for a new license under the Bihar Targeted Public Distribution System (Control) Order, 2016.

Because of such short time having been given to the petitioner, he could not represent his case properly.

Apart from this, it has been submitted that the reasons assigned in the order is not very specific.

Be that as it may, considering the fact that only 24 hours was given to the petitioner to reply to the show-cause notice, this Court is of the view that necessary time has not been afforded to the petitioner for explaining his cause. This makes the order suspect in the eyes of law and therefore not sustainable.



The impugned order is therefore set aside.

The matter is remitted to the Sub-Divisional Officer, Nawada Sadar (Respondent No. 3) to write a fresh order after taking into account the explanation given by the petitioner.

Needless to say that the order shall be a reasoned one, which shall be passed within a period of 60 days from the date of production/receipt of a copy of this order.

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

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

