

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23651 of 2019

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Prem Chand Gupta, son of Sri Ram Narayan Gupta, resident of Dhumnagar
Ward no. 3 P.O. and P.s. Narkatiyaganj, Pokharia West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply,
Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Sub Divisional Officer, Narkityaganj, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Adv.
For the Respondent/s : Mr.Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-12-2020 Heard Mr. Sanjeev Kumar Mishra, learned counsel for

the petitioner and Mr. Alok Ranjan, learned AC to AAG 5

through Video Conferencing.

2. The petitioner being aggrieved by the order dated
28.10.2019 passed by the Sub-Divisional Officer,
Narkatiyaganj, West Champaran as contained in memo no.806
dated 30.10.2019 (Annexure 10) filed this writ petition for
quashing the aforesaid order by which the licence of the
petitioner has been cancelled.

3. The sole ground for assailing the order is that the
petitioner filed a detailed show-cause (Annexure 9) but the
show-cause of the petitioner has been rejected in one line



holding that the same is unsatisfactory. On perusal of the order impugned and the show-cause filed by the petitioner, I find that the order passed by the Sub-Divisional Officer does not reflect that the show-cause filed by the petitioner has been considered. If the order is passed without considering the show-cause of the licensee, it shall amount to pass in violation of principles of natural justice. The order of the quasi judicial authority should reflect that the order was passed with reason after consideration of the show-cause. On such Mr. Alok Ranjan, learned AC to AAG 5 fairly admits that, of course, the order was passed but the same does not reflect that the show-cause filed by the petitioner has been considered.

4. Having considered the submissions of both sides, I find that the order impugned suffers from illegality on the ground that the show-cause filed by the petitioner has not been rejected by a reasoned order and that amounts to have been passed in violation of principles of natural justice. Thus, the order dated 28.10.2019 passed by the Sub-Divisional Officer, Narkatiyaganj, West Champaran (Annexure 10) is set aside. The matter is remitted to the Sub-Divisional Officer, Narkatiyaganj, West Champaran with a direction to pass order afresh in accordance with law within four months from the date of receipt



of this order.

5. Accordingly, this writ petition is allowed.

(Prabhat Kumar Jha, J)

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