

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4793 of 2021

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Suresh Kumar S/o Harinandan Mandal, Resident of Village - Masaha Ward
No. 03, P.S. - Parihar, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Sitamarhi.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Sitamarhi.
4. The District Supply Officer, Sitamarhi.
5. The Block Officer Parihar West Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 21-12-2021 The present writ petition has been filed seeking quashing of the order contained in memo dated dated 12.12.2020 passed by the Sub-Divisional Officer, Sitamarhi Sadar whereby and whereunder the PDS license of the petitioner bearing license no. 36/2019 has been cancelled.

The short issue raised by the petitioner for consideration is that a bare perusal of the impugned order dated 12.12.2020 would show that in just one line the licensing authority has stated



that the show cause reply of the petitioner has been found to be unsatisfactory and thus has cancelled the license of the PDS shop of the petitioner without furnishing any cogent, clear and succinct reason for coming to a conclusion warranting cancellation of the license of the petitioner. It is further submitted that the impugned order dated 12.12.2020 does not depict any application of mind by the licensing authority inasmuch as no finding has been recorded by the licensing authority, thus, it is submitted that the impugned order dated 12.12.2020 stands vitiated in the eyes of law.

Per contra, the learned counsel for the Respondent-State, has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that the impugned order dated 12.12.2020 does not show any application of mind on the part of the Sub-Divisional Officer, Sitamarhi Sadar as also no clear, succinct or cogent reasons have been



furnished by the licensing authority so as to come to a finding warranting cancellation of the license of the petitioner, this Court finds that the impugned order dated 12.12.2020 stands vitiated in the eyes of law, hence, is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sitamarhi Sadar, to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Tiwary/-Ajay/-

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