

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4308 of 2021

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Dinesh Singh, Son of Ramdev Singh, Resident of Village-Baiju Bigha, Gram Panchayat-Belauti, Block and Police Station-Gurua, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate cum Collector, Gaya.
3. The Sub-Divisional Officer cum Licensing Authority, Sherghati, Gaya.
4. The Assistant District Supply Officer, Sherghati, Gaya.
5. The Block Supply Officer, Gurua, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

The present petition stands filed, invoking the jurisdiction of this court under Article 226, Constitution of India.

Petitioner has prayed for the following relief(s):-

“For issuance of appropriate writ/writs, order/orders, for setting aside the order dated 22.02.2020 passed by the S.D.O. Sherghati, Gaya, whereby the P.D.S. license no. 06/2016 in the name of the petitioner has been cancelled illegally.”

The petitioner is a dealer under the Public Distribution



System whose license stood cancelled upon an inspection conducted by B.S.O, Gurua, pursuant to which the S.D.O issued notice to him on 07.02.2020, granting him 5 days time to file documents in favour of his case, and soon after, passed an order revoking the license on 22.02.2020. Hence, this present petition.

We find that, the impugned order is a non-speaking and cryptic one as it only mentions the irregularities found during inspection and does not detail the testimonies on the basis of which the licence has been cancelled on account of inadequate countering of allegations by the petitioner. The objection filed by the petitioner was neither referred to nor dealt with by the Officer.

As such, on this short ground alone, we quash and set aside the order dated 22.02.2020 passed by the Sub-Divisional Officer, Sherghati, Gaya remanding the matter back to the officer concerned for passing a fresh order in accordance with law.

Since the matter pertains to the year 2020, petitioner shall appear before the appropriate authority on 10.01.2022, on which date, he shall also file a detailed response and place on record materials in support of his case.



The appropriate authority shall pass a fresh order assigning reasons within a period of four weeks thereafter. Liberty reserved to assail the same before the appropriate forum, should the need so arise.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

Sujit/Ashwini

(S. Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

