

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No. 4720 of 2021**

Kajal Kumari, Wife of Anil Kumar Ram, resident of Village - Samanpur, P.S.  
- Kundwachainpur, District - East Champaran (Bihar) - 845302.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, East Champaran, District - East Champaran.
3. The Sub Divisional Officer-Cum-Sub Divisional Magistrate, Sikrahana, District - East Champaran.
4. The Block Supply Officer, Ghorasahan, District - East Champaran.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate  
For the Respondent/s : Mr. Upendra Pratap Singh ( AC to SC 4 )

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL ORDER**

2      13-09-2021                      The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the order dated 26.12.2020, passed by Sub Divisional Officer, Sikrahna, Dhaka, whereby and whereunder the P.D.S. license of the petitioner bearing License no. 3 of 2019 has been cancelled.



The learned counsel for the petitioner has raised a short issue to the effect that a bare perusal of the show cause notice dated 03.12.2020 goes to show that a copy of the inquiry report has not been supplied to the petitioner and secondly, a bare perusal of the impugned order dated 26.12.2020 depicts that there is no consideration, whatsoever, of the reply submitted by the petitioner and without furnishing any cogent, clear or succinct reasons, the P.D.S. license of the petitioner has been cancelled.

The learned counsel for the respondent-State Sri Upendra Pratap Singh (AC to SC 4) has not disputed the position, as is existing in law.

Having heard the learned counsel for the parties and having considered the materials on record, this Court finds that admittedly, the inquiry report has not been supplied to the petitioner, thus the petitioner has been precluded from submitting her wholesome defence. This Court further finds that the impugned order dated 26.12.2020 is absolutely an un-reasoned order, which has neither considered the reply filed by the petitioner nor furnishes clear, cogent or succinct reasons for arriving at a decision warranting cancellation of the P.D.S.



license of the petitioner.

Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, the impugned order dated 26.12.2020, passed by Sub Divisional Officer, Sikrahna, Dhaka is quashed and the matter is remanded back, with liberty to the Sub Divisional Officer, Sikrahna, Dhaka to proceed afresh, in accordance with law.

The writ petition stands allowed.

**(Mohit Kumar Shah, J)**

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