

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5856 of 2021**

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Md. Kutubuddin, Son of Md. Jamaluddin, Resident of Village-Sadi pur,  
Village Panchayat-Amraha, Police Station-Chakand, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Town Block, Dist.-Gaya.
5. The Block Development Officer, Town Block, Dist.-Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh (AC to SC 4)

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

2      04-10-2021                      Heard the learned counsel for the petitioner and Sri  
  
Upendra Pratap Singh, learned AC to SC 4 appearing for the  
  
State.

The present writ petition has been filed for quashing  
the impugned order dated 18.01.2021, passed by the  
Sub Divisional Officer, Sadar, Gaya, whereby and whereunder  
the P.D.S. license of the petitioner bearing License no. 108 of  
2017 has been cancelled.

The short point raised by the petitioner is that the  
impugned order dated 18.01.2021 is a non-speaking and  
an un-reasoned order, which has not taken into consideration,



the reply filed by the petitioner, hence the impugned order dated 18.01.2021 stands vitiated in the eyes of law.

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 having gone through the impugned order dated 18.01.2021 as also the reply of the petitioner dated 08.06.2020, this Court finds that the impugned order dated 18.01.2021 is a non-speaking and an un-reasoned order which does not furnish any clear, cogent or succinct reasons for coming to a decision regarding cancellation of the P.D.S. license of the petitioner, hence the same stands vitiated in the eyes of law, thus is quashed, however the matter is remanded back to the Sub Divisional Officer, Sadar, Gaya for re-consideration of the matter and for proceeding afresh, in accordance with law. Reference in this regard be had to a judgment rendered by the Hon'ble Apex Court, reported in *(2010) 13 SCC 427 (Oryx Fisheries Pvt.Ltd vs Union Of India & Ors.)*

**(Mohit Kumar Shah, J)**

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