

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6390 of 2020

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Virendra Kumar Singh Son of Sri Ramashish Singh, Resident of Village-
Purkhauli, P.S. Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food Supply and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Sub Divisional Officer-Cum- Licensing Authority, Hajipur, Vaishali.
4. The District Supply Officer, Vaishali.
5. The Assistant District Supply Officer, Hajipur, Vaishali.
6. The Block Supply Officer, Lalganj, Vaishali.
7. The Block Supply Officer, Bidupur, Vaishali.
8. The Marketing Officer, Hajipur Town, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv
Mr. Vijay Anand, Adv
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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

Date : 23-11-2021

Heard learned counsel for the parties.

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

“(a) A writ in the nature of certiorari or any other appropriate writ/s, order/s, direction/s for quashing the following :-

(i) The order dated 23.02.2016 , contained in memo no. 211, passed by the Sub Divisional Officer, Hajipur, by which the license no. 24/2007 of the petitioner for running the shop under Public Distribution System has been cancelled not only in violation of natural justice rather in violation of the statutory provisions of Public Distribution System (Control) order.

(ii) The order dated 26.07.2016, passed in PDS Appeal Case No. 01/2016-17 by the Collector, Vaishali by which the appeal filed by the petitioner has been dismissed and the order dated 23.02.2016, contained in memo no. 211, passed by the Sub Divisional Officer, Hajipur, cancelling the license of the petitioner has been confirmed.

(iii) The order dated 15.11.2019 passed in Revision Case No. 151 of 2019 by the learned Commissioner, Magadh Division, Muzaffarpur by which he was pleased to dismiss the statutory revision application filed on behalf of the petitioner.”

In the impugned order while cancelling the licence admittedly affecting the petitioner's right to livelihood or peoples right to receiving essential supplies of food grains, the Licensing Authority simply records, the allegations against the petitioner but does not render any opinion whatsoever, with regard to its authenticity or correctness, much less, after having verified the same as such the order being bad in law also suffers from the vice of violation of principles of natural justice. It is absolutely cryptic; does not assign any reason; is not verified on the factual matrix. Hence, we quash and set aside the impugned order dated 23.02.2016, passed by S.D.O, Hajipur, order dated 26.07.2016 passed by Collector, Vaishali and order dated 15.11.2019 passed by Commissioner, Magadh Division, Muzaffarpur, in Revision Case No. 151 of 2019, with a direction to the concerned appropriate authority to pass a fresh order after affording opportunity of hearing to all concerned, including the

present petitioner.

The petitioner shall make himself available in the office of Licensing Authority on **05.01.2022 at 10:30 am**, on which date opportunity of filing of his defence and documents in support of his defence, if any, be afforded. The Licensing Authority shall pass order assigning reasons within one month, copy whereof shall be supplied to the petitioner.

Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

Interlocutory application, if any, stands disposed of.

The petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA