

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8121 of 2021

Muni Upadhyay son of Late Raj Kishore Upadhyay, Resident of Village-
Tarari, Post Office- Tarari, Police Station- Sheosagar, Anchal- Sheosagar,
District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and
Commerce Affairs, Government of Bihar, Patna.
2. The District Magistrate-cum-Chairman, Rohtas at Sasaram
3. The Sub Divisional Officer-cum-Licensing Authority, Rohtas at Sasaram.
4. The Circle Officer, Sheosagar, District- Rohtas.
5. The Block Supply Officer, Sasaram, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Tiwary, Advocate
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to Standing Counsel-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2021 The present petition has been filed for quashing the
order dated 28.01.2016 passed by the Sub Divisional Officer,
Rohtas at Sasaram, whereby and whereunder the PDS license of
the petitioner bearing License No. 1 of 2007 has been cancelled.
The petitioner has also prayed for quashing the appellate order
dated 21.06.2019 passed by the learned Collector,Rohtas at
Sasaram, whereby and whereunder the appeal of the petitioner
has been rejected.

The short point raised by the petitioner for consideration
is that a bare perusal of the order dated 28.01.2016 would show
that the same is a cryptic and an unreasoned order and does not
furnish any clear, cogent or succinct reason for coming to a
conclusion so as to warrant cancellation of the license of the



petitioner and merely in one line, it has been stated that the show cause reply of the petitioner is unsatisfactory, hence the license is cancelled.

Per contra, the learned counsel for the State Shri Upendra Pratap Singh, AC to Standing Counsel-4 has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case, this Court finds that the impugned order dated 28.01.2016 passed by the Sub-Divisional Officer, Rohtas at Sasaram is a cryptic and an unreasoned order which does not depict any application of mind and moreover no clear, cogent or succinct reason has been furnished for the purposes of coming to a finding regarding cancellation of the license of the PDS shop of the petitioner, hence the same is unsustainable in the eyes of law, thus is quashed. Since the original order dated 28.01.2016 has been quashed, the appellate order dated 21.06.2019 also does not have any legs to stand thus is set aside, however, the matter is remanded back to the Sub-Divisional Officer, Rohtas at Sasaram for proceeding afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

