

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5883 of 2020

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Rameshwar Prasad Yadav Son of Horil Prasad Yadav, Resident of Village-
Bahuarawa, Post- Mahuawa, P.S. Chiraiya, District- East Champaran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, District- East Champaran, Motihari.
3. The District Supply Officer, Motihari, District- East Champaran, Motihari.
4. The Sub-Divisional officer, Sikarhana, Dhaka, District- East Champaran, Motihari.
5. The Block Supply Officer-cum-Block Development Officer Dhaka, District- East Champaran, Motihari.
6. The Circle Officer, Dhaka, East Champaran, Motihari.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate
For the Respondent/s: Mr. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 05-10-2021

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The following reliefs as formulated by the petitioner
have been claimed in the writ petition -

“(i) To issue writ of certiorari or any other appropriate writ order to set aside the order contained in Memo No. 324 dated 14.09.2019 (Annexure-3) whereby respondent no. 4 has cancelled the PDS fair price Shop License No. 136/11-12 issued to the petitioner primarily for keeping the said PDS shop closed only on 19.06.2019 due to



sudden illness, hypertension & stomach infection of the petitioner for which he was being admitted & treated at a health clinic in Chiraiya.

(ii) To issue consequential writ of mandamus or any other appropriate writ order direction directing the respondents to immediately restore the aforesaid PDS Fair price shop license with supplies, issued to the petitioner."

3. Learned counsel for the petitioner makes a short submission to assail the impugned order of cancellation, to the effect that the same has been passed mechanically and without due application of mind and without assigning any reason for such cancellation.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. A bare perusal of the impugned order discloses that the petitioner's P.D.S. licence has been cancelled on the sole ground that the show cause reply filed by him was not satisfactory, without however assigning a single reason whatsoever as to why the same was not found satisfactory. There is no discussion in the order with regard to the plea raised by the petitioner in his show cause reply and why the same did not find favour with the authority. In such circumstances, therefore, it must be held that the impugned order does not amount to a speaking



order and is thus violative of the principles of natural justice which cannot be sustained in law.

6. Accordingly, the impugned order contained in Memo No. 324 dated 14.09.2019 (Annexure-3) passed by the Sub-Divisional Officer, Sikarhana, Dhaka, District- East Champaran, Motihari (Respondent No. 4) is hereby quashed and the matter is remanded to him to consider and dispose of the matter afresh by a speaking order after grant of opportunity of hearing to the petitioner in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 4.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

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CAV DATE	N.A.
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