

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8745 of 2021

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Vinesh Paswan Son of Ramchandra Paswan Resident of village - Dumra
Parsauni, P.S. Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Sitamarhi.
2. The Sub-Divisional officer, Sadar, Sitamarhi, District- Sitamarhi.
3. The Block Supply Officer, Suppi, District- Sitamarhi.
4. The Block Supply Officer, Parihar, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv
For the Respondent/s : Mr. Arvind Ujjwal SC-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 21-12-2021

Heard learned counsel for the parties.

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

“(i) For issuance of appropriate writ/writs, direction/directions, order/orders in the nature of certiorari for quashing the order contained in memo no. 151 dated 13.02.2021 passed by the learned SDO Sitamarhi, by whc the PDS license bearing license no. 50/19 of the petitioner has been cancelled without considering the so cause filed by the petitioner which is against the law as well as on fact and is fit to be set aside.

(ii) For issuance of appropriate writ/writs, direction/directions, order/orders in the nature of mandamus commanding the respondent to restore the license bearing license no. 50/19 which is cancelled by the respondent without assigning any reason or without applying his mind in arbitrary manner which is against the law as well as on fact and fit to be rejected.”

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 13.02.2021, passed by S.D.O, Sitamarhi, 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