

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8878 of 2021

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Smt Gulaphsana Begam, wife of Md. Javed Alam, Resident of Village-
Raksia, P.S.- Runnisaidpur, Dist- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Sub Divisional Officer Sadar, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 23-12-2021 The present writ petition has been filed seeking quashing of the order dated 13.02.2021, passed by the learned Sub-Divisional Officer, Sadar, Sitamarhi whereby and whereunder the license of the PDS shop of the petitioner bearing license no. 42 of 2019 has been cancelled.

The short issue raised by the petitioner for consideration is that a bare perusal of the impugned order dated 13.02.2021 would show that in just one line, the licensing authority has stated that the show cause reply of the petitioner has not been found to be satisfactory, hence has cancelled the license of the P.D.S. shop of the petitioner without furnishing any cogent, clear or succinct reasons for coming to a conclusion, warranting cancellation of the license of the



petitioner and moreover, the impugned order dated 13.02.2021 does not depict any application of mind by the licensing authority, thus, it is submitted that the impugned order dated 13.02.2021 stands vitiated in the eyes of law.

Per contra, 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 considering the fact that the impugned order dated 13.02.2021 does not show any application of mind on the part of the Sub-Divisional Officer, Sadar, Sitamarhi as also no clear, succinct or cogent reasons have been furnished by the licensing authority so as to come to a finding warranting cancellation of the license of the petitioner, this Court finds that the impugned order dated 13.02.2021 stands vitiated in the eyes of law, hence, is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sadar, Sitamarhi, to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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