

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6969 of 2020

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Guljar Ram S/o Late Lagan Ram Resident of Village- Jasouli Patti, P.S.-
Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, East Champaran at Motihari.
3. The District Supply Officer, East Champaran at Motihari.
4. The Sub Divisional Officer, Sadar, Motihari, East Champaran.
5. The Block Supply Officer, Kotwa, District East Champaran.
6. The Dy. Collector, Land Reforms, Chakiya, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, 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 : 29-11-2021

Heard learned counsel for the parties.

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

“For quashing the order dated 29.11.2019 passed by the Ld. Collector cum District Magistrate, East Champaran, Motihari in Supply Case No. 46 of 2016 whereby the appeal filed by the petitioner against the order of the SDO, Sadar, Motihari dated 16.11.2016 canceling the PDS License of the petitioner has been dismissed and order dated 16.11.2016 was affirmed.

(ii) For quashing the order contained in memo no. 432 dated 16.11.2016 passed by the Ld. SDO, Sadar Motihari whereby the PDS license of the petitioner has been cancelled.”

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 16.11.2016, passed by S.D.O, Sadar Motihari, and order dated 29.11.2019 passed by Collector cum District Magistrate, East Champaran, Motihari in Supply Case No. 46/16 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