

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9730 of 2021

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Ajay Kumar Ghosh S/o Raghu Prasad Resident of Village-Pidiyan, P.S.-
Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Fatehpur, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh, AC to Standing Counsel-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2021 The present petition has been filed seeking quashing of the order dated 24.01.2021 passed by the Sub-Divisional Officer, Sadar Gaya, whereby and whereunder the license of the PDS shop of the petitioner bearing License No. 18 of 2019 has been cancelled.

The short point raised by the learned counsel for the petitioner for consideration is to the effect that the license of the petitioner has been cancelled on the basis of the opinion furnished by the Assistant District Supply Officer, Sadar Gaya and the licensing authority has not applied his independent mind resulting in violation of the principles of natural justice as also rendering the impugned order dated 24.01.2021 vitiated in the



eyes of law.

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 and considering the fact that the Sub-Divisional Officer, Sadar Gaya while passing the impugned order dated 24.01.2021 has merely relied on the opinion of the Assistant District Supply Officer, Sadar Gaya and has not applied his independent mind, this Court finds that the impugned order dated 24.01.2021 is unsustainable in the eyes of law, hence is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Sadar Gaya with liberty to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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