

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9826 of 2021

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Kunwar Das, Son of Late Shyam Ravidas, Resident of Village-Panaul, Village Panchayat-Kolauna, Police Station-Gurua, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. The Divisional Commissioner, Gaya.
3. The District Magistrate, Gaya.
4. The Sub Divisional Officer, Sherghati, Dist.-Gaya.
5. The Block Supply Officer, Gurua, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Respondent/s : Mr. Arvind Ujjwal (S.C. 4)
Mr. U.P. Singh, A.C. to S.C. 4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2021

Heard learned counsel for the parties.

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

“To quash the order dated 29.08.2013 contained in memo No. 689 passed by the Licensing Authority cum Sub Divisional Officer, Sherghati, whereby the license No. 283/07 of the petitioner granted under Public Distribution System Control Order, 2001 and now under the Bihar Targeted P.D.S (Control) Order 2016 has been cancelled in very capricious manner and quash the consequential orders dated 31.01.2015 passed by the District Magistrate, Gaya in supply appeal No. 49/13 as well as order dated 02.01.2021 passed by the



Divisional Commissioner, Magadh Division, Gaya in Supply Revision Case No. 112/2017 whereby while dismissing the appeal as well as Revision respectively both are suo moto affirmed the cryptic and mechanical order of cancellation passed by the S.D.O. and/or pass any other writ/order/direction which your Lordships may deem fit and proper.”

Learned counsel for the State fairly states that the order passed by the authorities concerned falls foul of the instructions recently issued by the Principal Secretary, Department of Food & Consumer Protection, Government of Bihar.

We notice that the impugned order is cryptic, does not assign any reasons.

As such, on these short grounds alone, we quash the impugned order dated 29.08.2013, passed by Respondent No. 4, namely Sub Divisional Officer in Licence No. 283 of 2007 and the appellate order dated 30.01.2015, passed by Respondent No. 3, namely District Magistrate Gaya, in Supply Appeal Case No. 49/13 as well as order dated 02.01.2021 passed by Respondent No. 2 namely, the Divisional Commissioner, Magadh Division, Gaya in Supply Revision Case No. 112/17, with the direction to the petitioner to appear before the licensing authority on 30.12.2021 at 10:30 a.m. who shall pass a fresh order in the light of the instructions/guidelines



issued by the Government of Bihar.

The licensing authority shall pass a fresh order within a period of two months from the date the petitioner appears before the authority.

We clarify that we have not expressed any opinion on facts and law. All issues are left open. Petitioner undertakes to fully cooperate and not take any unnecessary adjournment.

Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Rajiv

AFR/NAFR	
CAV DATE	
Uploading Date	02.12.2021
Transmission Date	

