

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9886 of 2021

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Devilal Kumar, Son of Samodhi Ray, resident of Village-Baburban, Block-Parihar, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate Sitamarhi, District Sitamarhi.
3. The District Supply Officer, Sitamarhi, District Sitamarhi.
4. The Sub Divisional Officer cum Licensing Authority, Sadar Sitamarhi, District- Sitamarhi.
5. The Block Supply Officer, Riga, District- Sitamarhi.
6. The Block Supply Officer, Block- Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-10-2021 The present writ petition has been filed for quashing the order dated 23.03.2021 passed by the Sub-Divisional Officer, Sitamarhi Sadar, whereby and where under, the license of the PDS shop of the petitioner bearing license no. 02/2018 has been cancelled.

The short issue raised by the learned counsel for the petitioner is that a bare perusal of the impugned order dated 23.03.2021 would show that in one line the learned Sub-Divisional Officer, Sitamarhi Sadar, has rejected the show cause reply submitted by



the petitioner by merely stating that the same is unsatisfactory and has not either dealt with the reply submitted by the petitioner nor has given any clear, cogent or succinct reasons to come to a conclusion so as to warrant cancellation of the license of the petitioner. Hence it is submitted that the impugned order dated 23.03.2021 stands vitiated in the eyes of law.

Per contra, the learned counsel for the Respondent State, Shri Alok Ranjan, AC to AAG-5 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 23.03.2021 passed by the Sub-Divisional Officer, Sitamarhi Sadar is an unreasoned and a non-speaking order, and moreover, no clear, succinct or cogent reason has been furnished so as to warrant cancellation of the license of the petitioner, this Court finds that the impugned order dated 23.03.2021 is not sustainable in the eyes of law, hence is quashed. However, the matter is remanded back to the learned Sub-Divisional Officer, Sitamarhi Sadar to pass a fresh order in accordance with law.

Reference in this regard be had to a judgment



of the Hon'ble Apex Court reported in the case of ORYX Fisheries Pvt. Ltd. vs. Union of India, reported in (2010) 13 SCC 427.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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