

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9171 of 2020

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KAMALA SINGH, Son of Kailash Pati Singh, resident of Village - Kampura,
Gram Panchayat - Amdarhi, Block- Ekma, Police Station- Ekma, District -
Chhapra (Saran).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Old Secretariat, Patna.
2. The District Magistrate cum Collector, Chhapra (Saran).
3. The Sub-Divisional Officer cum Licensing Authority, Sadar, Chhapra
(SARAN).
4. The Assistant District Supply Officer, Chhapra (SARAN).
5. The Block Supply Officer, Ekma, District - Chhapra (SARAN).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Adv Ms. Preety Kunwar, Adv
For the Respondent/s	:	Mr. S. Raza Ahmad AAG-5 Md. Kamil Akhtar AC to AAG-5

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

Date : 07-12-2021

Mr. S. Raza Ahmad learned AAG-5, states that he does
not have copy of the brief.

We are shocked to record, for the learned counsel to
make such a statement, reason, that it is not only the practice of
this Court but also the requirement for learned counsel for the
petitioner to supply advance copy to the office of learned
Advocate General.

As per office report, the paper book stands supplied to

the office of the learned Advocate General.

In these circumstances, we are only expressing our displeasure in the manner in which the learned counsel has addressed this Court.

We are equally shocked in the manner in which the orders are being passed by the Licensing Authority.

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 07.11.2019, passed by the Respondent No.3, namely, the S.D.O, Sadar, Chapra, 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.

Since, the petitioner was constrained to approach this

Court, we impose cost of Rs. 5000/- to be recovered from the personal salary of Licensing Authority, SDO, Chapra. The petitioner shall make himself available in the office of Licensing Authority on **23.12.2021 at 10:30 am**, on which date not only cost would be paid to the petitioner but also opportunity for filing documents, if any, be afforded.

The 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/-sanjay

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2021
Transmission Date	NA