

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9649 of 2020

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Indra Kumar Mahto Son of Kishunlal Mahto Resident of Village Dip, P.S.-
Lakhnaur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum- Commissioner,
Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector Madhubani.
3. The Sub- Divisional Officer-cum- Licensing Authority Jhanjharpur, District-
Madhubani.
4. The Block Supply Officer Lakhnaur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arjun Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 24-11-2021 The present writ petition has been filed for quashing the

order dated 11.05.2020 passed by the Sub-Divisional Officer,

Jhanjharpur, District-Madhubani, whereby and whereunder the

PDS license of the shop of the petitioner bearing License No.

19 of 2016 has been cancelled.

The learned counsel for the petitioner has raised a short
point for consideration to the effect that a bare perusal of the
impugned order dated 11.05.2020 would show that in one line,
the licensing authority has rejected the show cause reply filed



by the petitioner being baseless and unsatisfactory. The learned counsel for the petitioner has further submitted that no cogent, clear and succinct reason has been furnished in support of the impugned order dated 11.05.2020, which is an indispensable component of a decision making process, hence the impugned order dated 11.05.2020 stands vitiated in the eyes of law.

Per contra, the learned counsel for the respondent-State has not disputed the position as is existing in law.

We have heard the learned counsel for the parties and perused the impugned order dated 11.05.2020 passed by the Sub-Divisional Officer, Jhanjharpur from which it is apparent that the same is a non-speaking and an unreasoned order which has not dealt with the show cause reply filed by the petitioner and moreover no cogent, clear or succinct reason has been furnished in support of the same, hence the impugned order dated 11.05.2020 stands vitiated in the eyes of law, thus is quashed. Reference in this regard be had to a judgment rendered by the Hon'ble Apex Court in the case of ***Oryx Fisheries Private Limited vs. Union of India & Ors.***, reported in ***(2010) 13 SCC 427***.

We, however, remand the matter back to the Sub-Divisional Officer, Jhanjharpur, District-Madhubani, with



liberty to proceed afresh in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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