

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9466 of 2020

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Laxmi Paswan S/o Ramotar Paswan Resident of Bakhri (Jagir Tola), P.S.-
Saur Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Divisional Commissioner Koshi Division, Saharsa.
3. The District Magistrate-cum- Collector Saharsa.
4. The Sub- Divisional Officer Sadar, Saharsa.
5. The Block Supply Officer Sour Bazar, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr.Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr.Upendra Pratap Singh, AC to SC-4

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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 01-12-2021 The present writ petition has been filed for quashing the order dated 17.09.2011 passed by the learned Sub-Divisional Officer, Sadar Saharsa whereby and where under the P.D.S. license of the shop of the petitioner bearing license No. 200 of 2007 has been cancelled. The learned counsel for the petitioner has also prayed for quashing the appellate order dated 30.08.2017 and the order passed by the revisional authority dated 4.12.2019.

The learned Senior counsel for the petitioner, Shri



N.K. Agrawal, has submitted by referring to the impugned order dated 17.09.2021 that the same is un-reasoned and non-speaking order and has not been taken into consideration the show cause reply filed by the petitioner. It is further submitted that no reasons whatsoever has been furnished in the impugned order dated 17.09.2011 for coming to the conclusion regarding cancellation of the P.D.S. license of the petitioner. It is also submitted that since the original order is bad in law, the consequential appellate order and the revisional order also stand 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 materials on record from which it is apparent that the impugned order dated 17.09.2011 passed by the Sub-Divisional Officer, Sadar Saharsa is an un-reasoned and a non-speaking order and moreover, the same does not show any application of mind by the licensing authority. We also find that no clear, succinct or cogent reason has been furnished by the licensing authority to come to a decision regarding cancellation of the P.D.S. license of the petitioner, hence, the impugned order dated 17.09.2011 stands vitiated in the eyes of law, thus is



quashed. We find that since the original order dated 17.09.2011 passed by the Sub-Divisional Officer, Sadar Saharsa has stood quashed, the appellate order dated 30.08.2017 and the revisional order dated 4.12.2019 have got no legs to stand, hence, the same are also set aside, however, we deem it fit and proper to remand the matter back to the learned Sub-Divisional Officer, Sadar Saharsa with liberty to him to proceed afresh in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Tiwary/-

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