

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 10727 of 2021

=====

Chunni Garery S/o Shiv Lal Garery R/O- Panchayat- Naiyana Ghat, Gram -
Naiyana Ghat, Block - Sadar Darbhanga, P.O. and P.S. - Sadar Darbhanga,
District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and civil supply
Government of Bihar, Patna.
2. The Principal Secretary Food and civil supply, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The District Supply officer, Darbhanga.
5. The Sub-divisional officer, Sadar, Darbhanga.
6. The Assistant District Supply officer, Sadar, Darbhanga.
7. The Block Supply Officer, Sadar Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh (AC to SC 4)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 23-09-2021 The instant case has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

The present writ petition has been filed for quashing

the order dated 22.04.2021, passed by the Sub Divisional

Officer, Sadar, Darbhanga, whereby and whereunder the P.D.S.

license of the petitioner bearing License no. 49 of 2016 has been



cancelled.

The short issued raised by the petitioner is that in pursuance to the notices dated 03.02.2021 and 25.02.2021, the petitioner had filed a detailed reply dated 05.02.2021 and 05.03.2021 but by the impugned order dated 22.04.2021, the S.D.O. Sadar, Darbhanga has cancelled the license of the petitioner without considering the aforesaid replies filed by the petitioner in a perfunctory manner without recording any reasons in support of his conclusion. Reference in this has been made to a judgment rendered by the Hon'ble Apex Court in the case of *M/s Kranti Associates (P) Ltd. & Anr. v. Masood Ahmed Khan and others* reported in **(2010) 9 SCC 496**.

The learned counsel for the respondent State has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and having considered the submissions advanced by the learned counsel for the parties, this Court finds that the impugned order dated 22.04.2021, passed by the Sub Divisional Officer, Sadar, Darbhanga, cancelling the license of the petitioner is an unreasoned and a perfunctory order and moreover, no cogent, clear and succinct reasons have been



furnished in support of the impugned order dated 22.04.2021, which is an indispensable component of a decision making process, hence, the impugned order dated 22.04.2021 stands vitiated in the eyes of law, thus is quashed, however liberty is granted to the S.D.O. Sadar, Darbhanga to pass orders afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

