

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11382 of 2021

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Raviranjana Kumar son of Shri Krishna Kant Kumar Bharti 524-A, Panch
Muhani, Loco Colony, P.S. - Delha, Ward No. 4, Town Block, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Town Block, Dist. - Gaya.
5. The Additional District Supply Officer, Sadar Gaya, Dist. - Gaya.

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh, AC to Standing Counsel-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 16-09-2021 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 seeking quashing of the order dated 27th March, 2021 passed by the Sub-Divisional Officer, Sadar, Gaya, whereby and whereunder the PDS license of the petitioner bearing License No. 16 of 2016, has been cancelled.

The short point raised by the learned counsel for the petitioner Shri Binay Kumar is that the Sub Divisional Officer, Sadar, Gaya who is also the licensing authority, has not applied his mind



and has merely passed the impugned Order, cancelling the PDS license of the petitioner, on the opinion of the Assistant District Supply Officer, Sadar, Gaya and the said opinion of the Assistant District Supply Officer, Sadar, Gaya has not been furnished to the petitioner, thus the impugned order dated 27.03.2021 stands vitiated in the eyes of law.

The Ld. counsel for the respondent Shri Upendra Pratap Singh, AC to SC-4 has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that admittedly the impugned order dated 27.03.2021, passed by the Sub-Divisional Officer, Sadar, Gaya, smacks of non-application of independent mind in as much as the same is based on the opinion of the Assistant District Supply Officer, Sadar, Gaya, regarding cancellation of the license of the petitioner, hence, the impugned order dated 27.03.2021 is bad in law, thus is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Sadar, Gaya to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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