

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10026 of 2020

Geeta Sharma @ Geeta Devi Wife of Arun Kumar Resident of Village Bela
Tarari, Naubatpur, P.S.-Naubatpur, District-Patan-801109(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Patna
2. The District Magistrate, Patna.
3. The Sub Divisional Magistrate Cum Licensing Authority, Danapur, Patna.
4. The Block Supply Officer, Naubatpur, District-Patna.
5. The Additional District Magistrate, Supply, Patna.

... .. Respondent/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-10-2021 The present writ petition has been filed seeking quashing of the impugned order dated 04.08.2014 passed by the Sub Divisional Magistrate, Danapur, whereby and whereunder the license of the PDS shop of the petitioner bearing License No. 85 of 2008 has been cancelled. The petitioner has also prayed for quashing of the appellate order dated 13.02.2018 passed by the learned Collector, Patna in EC Appeal No. 55 of 2014-15.

The short point raised by the petitioner for assailing the impugned order dated 04.08.2014 is that the same is an unreasoned and a non-speaking order which has also not taken into consideration the reply filed by the petitioner to the show cause notice issued to her. Consequently, it is submitted that the appellate order also stands vitiated in the eyes of law inasmuch



as the original order is not sustainable in the eyes of law.

Per contra, the learned counsel for the State Shri Upendra Pratap Singh, AC to Standing Counsel-4 has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that the impugned order dated 04.08.2014 passed by the Sub Divisional Magistrate, Danapur is a non-speaking order and an unreasoned order which does not depict any application of mind as also does not furnish any clear, succinct or cogent reason for coming to a conclusion so as to warrant cancellation of the license of the petitioner, this Court finds that the impugned order dated 04.08.2014 stands vitiated in the eyes of law, hence is quashed. Since the original order dated 04.08.2014 has already quashed, the appellate order dated 13.02.2014 has got no legs to stand, hence is also set aside. However, the matter is remanded back to the Sub Divisional Magistrate, Danapur to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

