

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12120 of 2021

Arvind Kumar @ Arvind Kumar Das S/o Late Sheo Narayan Das Resident of
Village- Rampur Raul Dhabolia, Kusheshwar Asthan Purbi, Block-
Kusheshwarsthan Purbi, Dist.- Darbhanga, Pin- 848213.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary Food and Consumer Protection Department, Bihar, Patna.
3. The Collector Darbhanga.
4. The Licensing Officer-cum- Sub- Divisional Officer Biraul, Darbhanga.
5. The Land Reform Deputy Collector Biraul, Darbhanga.
6. The Block Supply Officer Kusheshwarsthan Purbi.
7. The District Supply Officer Darbhanga.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 17-09-2021 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 petition has been filed for quashing the order dated 25.05.2021, passed by the Licensing Officer-cum- Sub Divisional Officer, Biraul, Darbhanga, whereby and



whereunder the P.D.S. license of the petitioner bearing License no. 03 of 2016 has been cancelled.

The short point raised by the petitioner for assailing the aforesaid order dated 25.05.2021 is that in the first paragraph of the said order dated 25.05.2021 itself, it is mentioned that the District Magistrate, Darbhanga vide letter no. 765/Supply dated 18.05.2021 has directed the Sub Divisional Officer, Biraul, Darbhanga to take final action as also take steps for cancelling the license of the petitioner. Thus, it is submitted that the Licensing authority has failed to apply his independent mind and has instead acted on the dictates of District Magistrate, Darbhanga, which is contrary to the settled principal of law, hence the impugned order is bad in law.

The learned counsel for the State Sri Upendra Pratap Singh (AC to SC 4) does not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case, this Court finds that admittedly, the Sub Divisional Officer, Biraul has not applied his independent mind, has not come to an independent conclusion and has instead, passed the impugned order dated 25.05.2021, merely on the dictates of the



District Magistrate, Darbhanga, copy whereof was never supplied to the petitioner, thus admittedly, there has been a violation of the Principles of Natural Justice, therefore the findings recorded on the basis of such report stands vitiated, hence the impugned order dated 25.05.2021, passed by Sub Divisional Officer, Biraul, Darbhanga is not sustainable in the eyes of law, consequently, the same is quashed. However, the matter is remanded back to the Sub Divisional Officer, Biraul with liberty to him to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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