

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12923 of 2021

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Dashrath Bhuiyan, Son of Kishun Bhuiyan, Resident of Village-Ningri, Tola-Manipar, Village Panchayat-Bajaora, Police Station-Dobhi, 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, Sherghati, Gaya.
4. Assistant District Supply Officer, Sherghati, Dist.-Gaya.
5. The Block Supply Officer, Dobhi, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2021 The present writ petition has been filed seeking quashing of the order dated 26.06.2021 passed by the Sub-Divisional Officer, Sherghati, Gaya, whereby and whereunder the PDS license of the petitioner bearing License No. 51 of 2016 has been cancelled.

The learned counsel for the petitioner has raised a short point for consideration to the effect that though in the show cause notice dated 02.06.2021, there is no whisper about any statement of the consumers having been recorded during the course of the enquiry, nonetheless the impugned order dated 26.06.2021 has been passed *inter alia* stating therein that the petitioner has not stated anything in his reply regarding the statement of the consumers. It is further submitted that a bare perusal of the impugned order dated 26.06.2021 would show that the reply submitted by the petitioner dated 09.06.2021 has not been considered and a perfunctory order, without furnishing any



cogent, succinct or clear reason, has been passed, thus the impugned order dated 26.06.2021 stands vitiated in the eyes of law.

The learned counsel for the respondent-State Shri Md. Anisul Haque, AC to AAG-5 does not dispute the position as is existing in law.

Having regard to the facts and circumstances of the case as also considering the fact that neither the statement of the consumers has been provided to the petitioner nor the impugned order dated 26.06.2021 depicts application of mind by the Sub-Divisional Officer, Sherghati, Gaya and moreover no succinct, cogent and clear reasons have been furnished in the impugned order dated 26.06.2021 for coming to a conclusion regarding cancellation of the PDS license of the petitioner, this Court finds that the impugned order dated 26.06.2021 stands vitiated in the eyes of law, hence is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sherghati, Gaya to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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