

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 13236 of 2021

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Rajesh Kumar Yadav S/o Ram Babu Yadav Resident of Village- Mustafapur,
Post- Godhiyari Gorhiari, Dmc, Block- Hanuman Nagar, District- Darbhanga,
Pin No. 846003.

... .. 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 Assistant District Supply Officer Sadar, Darbhanga.
6. The Block Supply Officer Hanuman Nagar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the Respondent/s : Mr. Alok Ranjan (AC to AAG 5)

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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 27.04.2021, passed by the Sub Divisional Officer, Sadar, Darbhanga, whereby and whereunder the license of the petitioner bearing License no. 23 of 2018 has been cancelled.



The learned counsel for the petitioner has raised a short issue for consideration to the effect that a bare perusal of the impugned order dated 27.04.2021 would show that the reply submitted by the petitioner has not been considered and moreover, in one line, the Sub Divisional Officer, Sadar, Darbhanga, has stated that the reply submitted by the petitioner is unsatisfactory, as such the license is being cancelled.

The learned counsel for the respondent State Sri Alok Ranjan (AC to AAG 5) has submitted that there is no lacuna in the process adopted by the Licensing authority, inasmuch as only after service of show cause notice upon the petitioner and seeking his reply, the impugned order dated 27.04.2021 has been passed.

I have heard the learned counsel for the parties and gone through the materials on record, from which this Court finds that the impugned order dated 27.04.2021, passed by the Sub Divisional Officer, Sadar, Darbhanga is not only an un-reasoned Order but the same also does not deal with the reply submitted by the petitioner and moreover, no cogent, clear and succinct reasons have been furnished in support of the impugned order dated 27.04.2021, which is an indispensable component of a decision making process, hence, the impugned



order dated 27.04.2021 stands vitiated in the eyes of law, as such this Court has no option but to set aside the impugned order dated 27.04.2021, especially in view of the law laid down by the Hon'ble Apex Court in the case of ***Oryx Fisheries Pvt. Ltd. vs Union Of India & Ors., reported in (2010) 3 SCC 427,*** Accordingly, the impugned order dated 27.04.2021, passed by the Sub Divisional Officer, Sadar, Darbhanga is quashed, however with liberty to the Sub Divisional Officer, Sadar, Darbhanga to proceed afresh, in accordance with law.

(Mohit Kumar Shah, J)

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