

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 13641 of 2021

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Saman Ram Son of Jaylal Ram, R/o Village-Rupaulia Khani, Post-Kumharar,
P.S.-Phenhara, District-East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Food and Consumer Protection, Bihar, Patna.
2. The Collector-cum-District Magistrate, East Champaran.
3. The Sub-Divisional Officer cum-Licensing Authority, Pakari Dayal, East Champaran (Motihari).
4. The District Supply Officer, East Champaran (Motihari).
5. The Block Supply Officer, Phenhara (East Champaran).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.
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 13-09-2021 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 25.2.2020 passed by the Sub-Divisional Officer, Pakari Dayal,



East Champaran whereby and whereunder the license of the petitioner bearing license no. 64/16 has been cancelled.

The brief facts of the case are that the license of the petitioner was initially cancelled by an order dated 23.7.2018 passed by the Sub-Divisional Officer, Pakari Dayal, which was assailed by the petitioner by filing an appeal bearing supply case no. 11 of 2018, before the District Magistrate, East Champaran, Motihari. Since the appeal of the petitioner was not being disposed of, the petitioner had approached this Court by filing a writ petition bearing CWJC No. 19172 of 2018 and this Court had directed the appellate authority to dispose of the pending appeal of the petitioner within a period of twelve weeks. Thereafter, the District Magistrate, East Champaran, Motihari, by an order dated 28.6.2019, had set aside the order of the Sub-Divisional Officer, Pakari Dayal, dated 23.7.2018 and had directed the Sub-Divisional Officer, Pakari Dayal, to supply a copy of the complaint to the petitioner, containing allegations



leveled against the petitioner and seek his clarification by issuing a show cause notice and after giving an opportunity of hearing, pass a fresh order, however, instead of complying with the orders of the District Magistrate, East Champaran, Motihari, the Sub-Divisional Officer, Pakari Dayal, has apparently acted with vengeance and has passed a non-est, illegal and a non-speaking order dated 25.2.2020.

The learned counsel for the petitioner has submitted that a bare perusal of the order dated 25.2.2020 would show that neither any reason nor any cogent explanation has been furnished for arriving at a decision to cancel the license of the petitioner and moreover, the Sub-Divisional Officer, Pakari Dayal, has merely reiterated his earlier order dated 23.2.2018 as also has failed to comply with the directions of the District Magistrate, East Champaran, Motihari.

The aforesaid aspect of the matter, relying upon the materials available on record, has not been disputed by the learned counsel appearing



for the State, Sri Alok Ranjan (AC to AAG-5).

Having heard the Ld. Counsels for the parties and having considered the materials on record, this Court finds that despite clear directions issued by the District Magistrate, East Champaran, Motihari, in its order dated 28.6.2019, whereby and whereunder the earlier Order of the Sub-Divisional Officer, Pakari Dayal, East Champaran, Motihari dated 23.7.2018 was set aside, the Sub-Divisional Officer, Pakari Dayal, East Champaran, Motihari has apparently acted in defiance of the said Order dated 28.06.2019 and has passed the impugned Order dated 25.2.2020, merely reiterating his earlier order dated 23.7.2018, which is not only a non-speaking and a perverse Order but also smacks of insubordination on the part of the said Sub Divisional Officer and warrants appropriate disciplinary action by the District Magistrate, East Champaran, Motihari, as such, the District Magistrate, East Champaran, Motihari, is directed to make an enquiry into the conduct of the aforesaid Sub-Divisional Officer, Pakari Dayal, East



Champaran, Motihari, who has passed the impugned order dated 25.02.2020 and take appropriate disciplinary action, if required.

Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, the impugned order dated 25.2.2020, passed by the Sub-Divisional Officer, Pakari Dayal, East Champaran, Motihari, is unsuistainable in the eyes of Law, hence the same is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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