

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.W.J.C. No. 13652 of 2021

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Laleshwar Saday, s/o late Asharfi Saday, r/o vill-Khairi, PO-Fatki Kutti,
Block-Madhepur, Dist-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Madhubani.
4. The Licensing Officer- cum- Sub Divisional Officer, Jhanjharpur, Madhubani.
5. The Block Supply Officer, Madhepur, Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate

For the Opposite Party/s : Mr. Upendra Pratap Singh (AC to SC 4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 21-09-2021 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.

The present petition has been filed for quashing the order dated 09.06.2021, passed by the Licensing Officer-cum-Sub Divisional Officer, Jhanjharpur, Madhubani, whereby and whereunder the P.D.S. license of the petitioner bearing License



no. 77 of 2002 has been cancelled.

The short point raised by the learned counsel for the petitioner is that earlier also, the petitioner had moved this Court by filing a writ petition bearing C.W.J.C. no. 7373 of 2020, which was allowed by an order dated 11.02.2021, by a co-ordinate Bench of this Court and a direction was issued to the S.D.O. Jhanjharpur to serve a copy of the inquiry report upon the petitioner and thereafter, seek his reply and then pass an order taking into consideration the defense taken by the petitioner. The learned counsel for the petitioner has submitted that the petitioner had filed his reply dated 26.02.2021, however a bare perusal of the impugned order dated 09.06.2021 would show that the S.D.O. Jhanjharpur has again passed an order cancelling the license of the petitioner without considering the defense taken by the petitioner and has merely stated therein that the reply of the petitioner has been found to be unsatisfactory. It is thus submitted that a totally unreasoned order dated 09.06.2021, without furnishing any cogent, succinct and clear reasons, has been passed by the S.D.O. Jhanjharpur, hence the same is required to be set aside.

Per contra. the learned counsel for the respondent-



State Sri Upendra Pratap Singh (AC to SC 4) has not disputed the fact that the impugned order dated 09.06.2021 is an unreasoned Order and as per the directions of this Court dated 11.02.2021, the S.D.O. Jhanjharpur was required to consider the defense of the petitioner, which apparently has not been done.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that the impugned order dated 09.06.2021 is wholly unreasoned and does not deal with the reply of the petitioner and moreover, no cogent, clear and succinct reasons have been furnished in support of the impugned order dated 09.06.2021, which is an indispensable component of a decision making process, hence, the impugned order dated 09.06.2021 stands vitiated in the eyes of law, thus is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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