

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 14087 of 2021

Abdul Quddus son of Md. Suleman, resident of village Bathiya, P.O. Bathiya, P.S. Puthai, Block Tardih, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Darbhanga.
3. The Sub-Divisional Officer, Sadar Darbhanga.
4. The Block Supply Officer, Tardih.

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Akash Chaturvedi, Advocate.
For the Respondent/s : Mr. Uday Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 06-09-2021 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 for quashing the order dated 05.05.2020, passed by the Sub-Divisional Officer, Sadar, Darbhanga, whereby and where under the P.D.S. license of the petitioner bearing License No. 33 of 2016 has



been cancelled.

The learned counsel for the petitioner, Shri Akash Chaturvedi, has submitted that first of all the enquiry report has not been furnished by the Sub-Divisional Officer, Sadar Darbhanga along with the show cause notices dated 09.04.2020 and 20.04.2020, hence the entire proceeding stands vitiated in as much as no opportunity has been granted to the petitioner to file his wholesome defence. It is next contended that a bare perusal of the impugned order dated 05.05.2020 would show that no reason whatsoever has been furnished in support of the decision taken by the Sub-Divisional Officer, Sadar Darbhanga to cancel the license of the petitioner.

The learned counsel for the respondent State, Shri Upendra Pratap Singh, AC to SC-4 has not controverted the position, as is existing in law.

Having regard to the facts and circumstances of the case, considering the materials on record and having heard the learned counsel for the parties, this Court finds that the impugned order dated 05.05.2020, passed by the Sub-Divisional Officer, Sadar, Darbhanga, stands vitiated on the ground of non-furnishing of t



petitioner from submitting his wholesome defence. This Court further finds that the impugned order dated 05.05.2020 also suffers from the vice of being an unreasoned order in as much as neither the same deals with the reply of the petitioner nor any cogent, clear and succinct reasons have been furnished in support of the impugned order dated 05.05.2020, hence the impugned order dated 05.05.2020 stands vitiated in the eyes of law, thus the same is accordingly set aside especially in view of the law laid down by the Hon'ble Apex Court in the case of **ORYX Fisheries (P) Ltd. vs. Union of India**, reported in *(2010) 13 SCC 427*.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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