

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14175 of 2021

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Mahalaxmi Devi W/o Maheshwar Singh R/o Village- Narayanpur, P.S.
Narayanpur, Block- Tardih, District- Darbhanga.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi, 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 29-10-2021 The present writ petition 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 5.1.2021 passed by the Sub-Divisional Officer, Sadar, Darbhanga whereby and whereunder the license of the PDS shop of the petitioner bearing license no. 7/2016 has been cancelled.

The short issue raised by the petitioner for



consideration is that a bare perusal of the impugned order dated 5.1.2021 would show that in just one line the licensing authority has stated that the show cause reply of the petitioner has been found to be unsatisfactory, hence, has rejected the license of the PDS shop of the petitioner without furnishing any cogent, clear or succinct reasons for coming to a conclusion warranting cancellation of the license of the petitioner and moreover, the impugned order dated 5.1.2021 does not depict any application of mind by the licensing authority inasmuch as he has merely reproduced the allegations levelled against the petitioner and the reply of the petitioner in the impugned order dated 5.1.2021, however, no finding whatsoever has been recorded by the licensing authority, in the impugned order dated 5.1.2021, thus, it is submitted that the impugned order dated 5.1.2021 stands vitiated in the eyes of law.

Per contra, the learned counsel for the Respondent-State, Sri Alok Ranjan (AC to AAG-5), has not disputed the position, as is existing in law.



Having regard to the facts and circumstances of the case and considering the fact that the impugned order dated 5.1.2021 does not show any application of mind on the part of the Sub-Divisional Officer, Sadar, Darbhanga as also no clear, succinct or cogent reasons have been furnished by the licensing authority so as to come to a finding warranting cancellation of the license of the petitioner, this Court finds that the impugned order dated 5.1.2021 stands vitiated in the eyes of law, hence, is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sadar, Darbhanga, to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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