

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 15159 of 2021

Shaheen Kaushar W/O Akhlak Ahmad, Resident of Village Vishanpur, Post Nazrra Mahamda, P.S. and Block Manigachhi, Raghopur Deorhi, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Licensing Officer-cum- Sub-Divisional Officer, Sadar, Darbhanga.
5. The Assistant District Supply Officer, Darbhanga.
6. The Block Supply Officer, Manigachhi, Darbhanga.

... .. Respondent/s

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Appearance:

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

For the Respondent/s :Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

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16-09-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation of COVID 19 Pandemic,



requiring social distancing.

The present writ petition has been filed for quashing the order dated 06.08.2021 passed by the Licensing Officer-cum- Sub-Divisional Officer, Sadar, Darbhanga whereby and where under the PDS license of the petitioner bearing License No. 11 of 2018 has been cancelled.

The short issue raised by the petitioner for consideration is that the impugned order dated 06.08.2021 has been passed on the basis of the opinion and recommendation of the Block Supply Officer, Manigachhi regarding cancellation of the license of the petitioner, hence admittedly, the Licensing Officer-cum-Sub-Divisional Officer, Sadar, Darbhanga has not applied his independent mind and has merely acted on the recommendation of the Block Supply Officer, Manigachhi, thus the impugned order dated 06.08.2021 is bad in the eyes of law.

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

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 admittedly the impugned order dated 06.08.2021 smacks of non-



application of independent mind in as much as the same is based on the recommendation of the Block Supply Officer, Manigachhi regarding cancellation of the license of the petitioner, hence, the impugned order dated 06.08.2021 is bad in law, thus is quashed, however, the matter is remanded back to the Licensing Officer-cum- Sub-Divisional Officer, Sadar, Darbhanga to proceed afresh in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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