

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 259 of 2021

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Arjun Saw (male) aged about 48 years son of Prasadi Saw, resident of village-Nagwan, village-Panchayat-Nagwan, Police Station-Fatehpur, District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna
2. The District Magistrate, Gaya
3. The Sub-Divisional Officer, Sadar, Gaya
4. The Block Supply Officer, Fatehpur, District-Gaya

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Binay Kumar, 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

2 08-09-2021 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 of the order dated 30.06.2020 passed by the Sub-Divisional Officer, Sadar, Gaya, whereby and whereunder the PDS license of the petitioner bearing License No. 86 of 2016, has been cancelled.



The short point raised by the learned counsel for the petitioner for consideration is that the impugned order dated 30.06.2020 is an unreasoned order and no succinct and cogent reasons have been furnished to arrive at a decision warranting cancellation of license of the petitioner, as is apparent from the impugned order dated 30.06.2020.

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

Having regard to the facts and circumstances of the case, this Court finds that the impugned order dated 30.06.2020, passed by the Sub-Divisional Officer, Sadar, Gaya, on the very face of it is an unreasoned order and moreover no clear, succinct and cogent reason has been furnished to arrive at a decision to cancel the PDS license of the petitioner, especially in view of the said issue being squarely covered by the principles of 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***, hence the impugned order dated 30.06.2020 passed by the Sub-Divisional Officer, Sadar, Gaya is quashed and the matter is remanded back to the Sub-Divisional Officer, Sadar, Gaya to pass a reasoned and a speaking order afresh, in accordance with law.



The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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