

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 15697 of 2021

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Nilam Kumari Wife of Navin Kumar Resident of Village- Aiwan, Village
Panchayat- Nagwan, P.S.- 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, Dist.- Gaya.
5. The Additional District Supply Officer Sadar Gaya, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. Alok Ranjan (AC to AAG5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 24-09-2021 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 19.08.2021, passed by the Sub Divisional Officer, Sadar, Gaya, whereby and whereunder the P.D.S. license of the petitioner bearing License no. 15 of 2019 has been cancelled.

The short point raised by the learned counsel for the



petitioner is that a bare perusal of the impugned order dated 19.08.2021 would show that the decision taken by the Sub Divisional Officer, Sadar, Gaya to cancel the P.D.S. license of the petitioner is solely based on the recommendation of the In-Charge Assistant District Supply Officer, Sadar, Gaya, contained in his inquiry report, hence it is submitted that there is absolute non-application of mind as far as the Licensing Authority is concerned and moreover, the reply submitted by the petitioner has not been considered as also no reasoning, whatsoever has been furnished for the purposes of cancelling the license of the petitioner.

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

I have heard the learned counsel for the parties and gone through the materials on record, from which it is apparent that the impugned order dated 19.08.2021, passed by the Sub Divisional Officer, Sadar, Gaya is based on the recommendation of the In-Charge Assistant District Supply Officer, Sadar, Gaya and the Sub Divisional Officer, Sadar, Gaya has not applied his independent mind and moreover, the reply of the petitioner has also not been considered apart from the fact that no cogent, clear



and succinct reasons have been furnished in support of the impugned order dated 19.08.2021, which is an indispensable component of a decision making process, hence, the impugned order dated 19.08.2021, passed by the Sub Divisional Officer, Sadar, Gaya, stands vitiated in the eyes of law, thus is quashed, however the matter is remanded back to the Sub Divisional Officer, Sadar, Gaya to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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