

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16620 of 2021

Arjun Prasad Gupta S/o Late Kali Prasad Gupta, Resident of Village-
Fatehpur, P.S.- Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr.S Raza Ahmad (Aag5)
	:	Mr. Alok Ranjan, AC to AAG 5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-10-2021 Heard the learned counsel for the petitioner and Sri
Alok Ranjan, learned AC to AAG 5 appearing for the State.

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 licence of the P.D.S. shop of the petitioner bearing Licence no. 89 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner for assailing the impugned order dated 19.08.2021 is that S.D.O. Sadar, Gaya has not applied his independent mind, inasmuch as after the petitioner had submitted his show cause reply, the same along with the evidence on record was sent to



the Assistant District Supply Officer, Sadar, Gaya for furnishing his opinion, whereupon the A.D.S.O., Sadar, Gaya had submitted his opinion vide letter dated 14.07.2021 and solely on the basis of the said opinion, the impugned order dated 19.08.2021 has been passed cancelling the P.D.S. license of the shop of the petitioner. Thus, it is submitted that the order dated 19.08.2021 is not sustainable in the eyes of law.

Per contra, the learned counsel for the respondent State has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and having considered the submissions advanced by the learned counsel for the parties, this Court finds that the impugned order dated 19.08.2021 has been passed solely on the basis of the opinion submitted by the Assistant District Supply Officer, Sadar, Gaya, which in fact was never supplied to the petitioner to enable him to submit his wholesome defense and moreover, the impugned order dated 19.08.2021 does not depict any application of mind by the Licensing Authority, hence the order dated 19.08.2021, passed by the Sub Divisional Officer, Sadar, Gaya stands vitiated in the eyes of law, as such, the same 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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