

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17168 of 2021

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Jiwach Singh S/o Vashudev Prasad Singh, R/o Village- Ratauli, Ward No. 09,
Block - Pipra, P.O.- Ratauli, P.S.- Pipra, District - Supaul.

... .. 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, Supaul.
3. The Sub- Divisional Officer, Supaul.
4. The Block Supply Officer, Pipra.

... .. 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-7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-10-2021 The present writ petition has been filed for quashing of the order dated 10.06.2020 passed by the learned Sub-Divisional Officer, Supaul whereby and where under, the license of the PDS shop of the petitioner bearing license no. 139/2016 has been cancelled. The petitioner has further prayed for quashing of the appellate order dated 29.07.2021 passed by the Collector, Supaul, in Supply Appeal Case No. 02 of 2020, whereby and where under the appeal filed by the petitioner has been rejected.

The short issue raised by the learned counsel for the petitioner is that a bare perusal of the impugned order dated 10.06.2020 passed by the Sub-



Divisional Officer, Supaul, would show that the same is a non-speaking and a wholly unreasoned order and no cogent, clear or succinct reasons have been furnished for coming to the conclusion to cancel the license of the petitioner, much less there is any consideration of the show cause reply filed by the petitioner. It is thus submitted that the impugned order dated 10.06.2020 is unsustainable in the eyes of law, hence the same along with the consequential order dated 29.07.2021 are fit to be quashed.

The learned counsel for the Respondent State, Shri 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 10.06.2020 passed by the Sub-Divisional Officer, Supaul is an unreasoned order, which neither deals with the reply filed by the petitioner nor mentions any cogent, clear or succinct reasons for coming to the conclusion to cancel the licence of the petitioner, the impugned order dated



10.06.2020 passed by the Sub-Divisional Officer, Supaul is not sustainable in the eyes of law, hence is quashed.

Reference in this regard be had to a judgment of the Hon'ble Apex Court reported in the case of **ORYX Fisheries Pvt. Ltd. vs. Union of India**, reported in **(2010) 13 SCC 427**.

Since the original order dated 10.06.2020 passed by the Sub-Divisional Officer, Supaul has already stood quashed, the appellate order dated 29.07.2021 has got no legs to stand, thus is also set aside. Nonetheless, the matter is remanded back to the Sub-Divisional Officer, Supaul to pass a reasoned and a speaking order, in accordance with law, within a period of six weeks from the date of receipt/ production of a copy of this order.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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