

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24360 of 2019

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Ramdhani Singh S/o Dashrath Singh Resident of Village- Chowar, Village
Panchayat- Chowar, Police station- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-03-2021 The present writ petition has been filed for quashing the order dated 05.11.2019 passed by the Sub-Divisional Officer, Sadar, Gaya, whereby and whereunder the license of the petitioner bearing License No. 4 of 2016, has been cancelled.

The short point raised by the petitioner is that the aforesaid order dated 05.11.2019 passed by the Sub-Divisional Officer, Sadar, Gaya is completely un-reasoned, non-speaking and does not deal with the reply of the petitioner, hence is perfunctory and fit to be set aside.

The learned counsel for the respondents has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case



and considering the law laid down by the Hon'ble Apex Court, in a judgment reported in **(2010) 9 SCC 496 (Kranti Associates Pvt. Ltd. & Anr vs. Masood Ahmed Khan & Ors)**, this Court finds that the order dated 05.11.2019, passed by the Sub-Divisional Officer, Sadar, Gaya is a non-speaking and a perfunctory order as also does not deal with the submissions made by the petitioner in his reply, hence is unsustainable in the eyes of law, thus is quashed. However, liberty is granted to the Sub-Divisional Order, Sadar, Gaya to pass an order afresh, in accordance with law after considering the replies furnished by the petitioner.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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