

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.608 of 2022**

Arti Devi W/o Sanjay Kumar, Resident of Village/Moh.-Ghughari Tand Near Kabristan, Ward No. 45, Gaya Town, Police Station-Vishnupad, District-Gaya.

... .. Petitioner.

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 Assistant District Supply Officer, Sadar Gaya.
5. The Block Supply Officer, Town Block, Dist.-Gaya.

... .. Respondents.

**Appearance :**

For the Petitioner/s : Mr. Binay Kumar, Advocate  
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5  
Mr. Anisul Haque, AC to AAG-5

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**  
**HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2      23-02-2022                      Heard Mr. Binay Kumar, learned Advocate for  
  
the petitioner and Mr. Anisul Haque for the State.

The petitioner has challenged the order dated  
  
10.12.2021 passed by the Licensing Authority,  
  
cancelling the licence of the petitioner on the ground  
  
that he has solely relied upon the report of the



Marketing Officer and Assistant District Supply Officer for coming to the conclusion that the licence of the petitioner is required to be cancelled.

A perusal of the order impugned reflects that there has not been an independent application of mind of the Licensing Authority over the facts in issue. The concluding portion of the order specifically states that the reports of the Marketing Officer and the Assistant District Supply Officer appear to be correct.

We do not find such an order to be sustainable in the eyes of law.

For the aforesaid reason, the order dated 10.12.2021, as contained in Memo No.1340 passed by the Sub-divisional Officer, Sadar Gaya is set aside and the matter is remitted to the Licensing Authority for writing out a fresh order in accordance with law after giving fresh opportunity to the petitioner to explain his cause. That shall be done within 60 days of the petitioner presenting a copy of this order before the Licensing Authority.



The writ petition stands disposed of accordingly.

**(Ashutosh Kumar, J.)**

**(Anjani Kumar Sharan, J.)**

Trivedi/-

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