

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1110 of 2022

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Abdul Kuddus Ansari Son of Late Mohammad Amin @ Mohammad Amin
Ansari, resident of Village Abidpur Bajpatti Tola, Ward No. 08, P.S.
Bajpatti, Block - Bajpatti, Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Consumer and Food Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The District Supply Officer, Sitamarhi.
4. The Sub Divisional Officer, Pupri, Sitamarhi.
5. The Block Supply Officer, Block - Bajpatti, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Respondent/s : Mr. Md. Anisul Haque

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 24-02-2022 Heard the learned counsel for the parties.

The P.D.S. licence of the petitioner has been

cancelled.

From the perusal of the order dated 25.02.2021, it

appears that the only basis for the Licensing Authority to



pass the order is the recommendation and the opinion of the Block Supply Officer, Bajpatti, Sitamarhi.

Though the reply of the petitioner given to the Block Supply Officer has been quoted in verbatim by the Licensing Authority but the order does not reflect an application of mind with respect to such defence of the petitioner vis-a-vis the charges levelled against him.

The order, thus, cannot be stated to be a reasoned order.

For the afore-noted reason, we set aside the aforesaid order and remit the matter to Licensing Authority for writing out a fresh order in accordance with law within a period of sixty days, to be counted from the date of receipt / production of a copy of this order.

Needless to state that all opportunities shall be provided to the petitioner and he shall be afforded all documents which he would require for an effective reply with regard to the charges levelled against him. The order passed by the Licensing Authority shall be communicated to the petitioner forthwith.



The writ petition stands disposed off accordingly.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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