

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1425 of 2022

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Shyam Kishore Prasad Son of Vikrama Sah Resident of Village- Nauhatta,
Police Station- Nauhatta, District- Rohtas.

... .. Petitioner.

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Commerce Affairs, Government of Bihar, Patna.
2. The District Magistrate-Cum- Chairman, District- Rohtas at Sasaram.
3. The Sub Divisional Officer-Cum- Licensing Authority, Dehri- on- Sone, Rohtas.
4. The Block Supply Officer, Nauhatta, District- Rohtas.
5. The Circle Officer, Nauhatta, Rohtas.

... .. Respondents.

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Appearance :

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

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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 Mr. Sanjay Kumar Tiwary, learned

Advocate for the petitioner and Mr. Anisul Haque for the

State.

The petitioner has challenged the order dated

17.12.2016 of the Licensing Authority whereby his PDS

licence has been cancelled as also the appellate order

dated 03.09.2021, by which the order of cancellation of

licence has been sustained.



The learned counsel for the petitioner has shown to us the order of cancellation which does not at all state any reason.

Be it noted that the petitioner was given only three days window to explain his cause. That has also not been taken into account and similar is the tenor of the appellate order which only confirms the order passed by the Licensing Authority. The only ground taken by the Appellate Authority is that a senior officer had found that the petitioner rarely visited the shop as he primarily resided in a different village and has chosen to sustain the order of the Licensing Authority.

Both the orders are without any reason and inexplicably so.

Under the aforesaid circumstances, both the orders are, therefore, set aside.

The matter is remitted to the Licensing Authority for writing out a fresh order in accordance with law after affording opportunity to the petitioner to



explain his case.

The process shall begin forthwith on the presentation of a copy of this order before the Licensing Authority by the petitioner. The Licensing Authority shall pass the final order within a period of 60 days thereafter.

Needless to say, the order shall be reasoned and informed one and the same shall be communicated to the petitioner forthwith.

With the aforesaid observation and direction, the writ petition stands disposed of.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

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