

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1609 of 2022

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Ajay Kumar Son of Girdhari Prasad, Resident of Vilalge-Kanti, Village Panchayat-Utari Lodhway, Police Station-Fatehpur, District-Gaya.

... .. Petitioner/s

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, Gaya.
4. The Block Supply Officer, Fatehpur, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh AC to SC -4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 25-02-2022

Heard Mr. Binay Kumar, learned Advocate for the petitioner and Mr. Upendra Pratap Singh, AC to SC-4 for the State.

The licence of the petitioner was first suspended and then cancelled under Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016.

The petitioner was made accused in a criminal case *vide* Fatehpur P.S. Case No. 9 of 2020 dated 08.01.2020. For this reason, the licence was suspended and the petitioner was served a show-cause notice to which he replied.



Mr. Binay Kumar, learned Advocate for the petitioner submits that even though the petitioner had furnished specific reply against all the charges but for no reason, the Licencing authority has held that no grounds have been taken in the show-cause reply to dispute the charges against him.

Learned counsel for the petitioner has shown to us the reply to the show-cause notice. A perusal of the same indicates that reasons were given by the petitioner disputing the charges raised against him.

The aforesaid reply does not appear to have been taken into account by the Licencing authority and the licence has been cancelled.

We have some reservations in accepting this order as sustainable. We therefore set aside the aforesaid order.

The matter is remanded to the Licencing authority viz. Sub-Divisional Officer, Sadar, Gaya, who shall serve fresh notice to the petitioner and on receiving his reply, shall pass a final order within a period of 60 days of the furnishing of such reply by the petitioner.

The process shall begin on the petitioner furnishing a copy of this order before the Licencing authority within a fortnight.



Needless to state that the concerned Licencing authority shall pass a reasoned order.

With the aforesaid direction/observation, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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