

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1788 of 2022

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Samim Akhtar Khan S/o Late Abdul Halim Resident of Village and
Panchayat- Lawapur Narayan, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Vaishali at Hajipur.
3. The Sub-Divisional Officer, Mahnar, District- Vaishali.
4. The Block Supply Officer, Mahnar, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr. Upendra Pratap Singh.

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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)

3 06-04-2022 Heard Mr. Dhananjaya Nath Tiwari, the learned

Advocate for the petitioner and Mr. Upendra Pratap Singh, the

learned counsel for the State.

This writ petition was initially filed for quashing the
order dated 18.09.2021 passed by the Licensing Authority,
whereby the license of the petitioner was cancelled without
supplying the copy of the enquiry report to him and in the
alternative for disposing off the Supply Appeal No. 25/2020-21
which was pending before the Appellate Authority, namely, the
Collector, Vaishali against the order cancelling the license of the



petitioner for a very long time.

However, today the learned counsel for the petitioner has submitted that the Appellate Authority has passed an order which has been brought on record by way of Interlocutory Application No. 1 of 2022.

The order says that no argument was presented by the first party as to why the case should be admitted and has thereafter dismissed the case.

We find from the order sheet of the Appellate Authority that the appellant / petitioner was present in the Court.

This is no way of dealing with an appeal.

Be that as it may, considering the overall circumstances of the case and taking into account that the enquiry report which was the basis for the Licensing Authority to cancel the license of the petitioner was not supplied to him and that such defect cannot be restituted in appeal, we set aside the order passed by the Licensing Authority as also of Appellate Authority and remand the matter to the Licensing Authority to take a fresh decision in this matter after affording a copy of the enquiry report to the petitioner.

The process shall be initiated within a fortnight of the petitioner making a suitable application before the Licensing



Authority enclosing a copy of this order.

The Licensing Authority would be under an obligation to make available to the petitioner the copy of the enquiry report and other necessary documents and would further grant reasonable opportunity to the petitioner to show his cause and, thereafter, a final decision shall be taken and such decision shall be a reasoned one.

The process ought to be completed within a period of 60 days from the date of receipt / production of a copy of this order before the Licensing Authority.

The petition stands allowed and disposed off accordingly.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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