

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2172 of 2022

=====

Rina Jha W/o Sri Amod Kumar Choudhary, Resident of Village-Darhar, 43, Bambaia Chowk, Darhar, P.S. and Block-Bahadurpur, P.O. Laherisarai, Dist. Darbhanga, Pin 846001.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additioanl Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Licensing Officer-cum-Sub-Divisional Officer, Sadar, Darbhanga.
5. The Block Supply Officer, Bahadurpur, Darbhanga.
6. The District Supply Officer, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Kaushalesh Choudhary
For the Respondent/s	:	Mr. Arvind Ujjwal (Sc4)
		Mr. Upendra Pratap Singh

=====

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 25-02-2022 Heard Mr. Kaushalesh Choudhary, learned Advocate for the petitioner and Mr. Upendra Pratap Singh for the State.

On perusal of the order dated 18.12.2021/30.12.2021, by which the licence of the petitioner has been cancelled, it appears that the licensing authority has not explained even in brief the reason for not accepting the explanation of the



petitioner. Merely stating that the explanation of the petitioner is not satisfactory does not convince us that there have been an application of mind. It need not be repeated time and again that reasons in support of an order is an extremely important factor. It only explains the mindset of the authority passing the order. Recording of reasons definitely operates as a valid restraint on any possible arbitrary exercise of power and lends assurance that the discretion has been exercised on relevant and not extraneous considerations.

We are not able to fathom the grounds which actually weighed with the licensing authority in rejecting the application of the petitioner.

For the aforesaid reason, we are not inclined to sustain the aforesaid order.

The order impugned in the present petition is set aside.

The matter is remitted to the Sub-divisional Officer, Sadar, Darbhanga/Licensing Authority to write



out a fresh order in accordance with law after giving fresh opportunity to the petitioner to explain his cause. The proceeding shall begin without any delay on the petitioner presenting a copy of this order before the licensing authority. A final order is expected to be passed within a period of sixty days from the date of commencement of the proceeding against the petitioner. The licensing authority would be well advised to pass a reasoned order after taking into account the explanation of the petitioner in correct perspective. The order so passed shall be communicated to the petitioner forthwith.

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

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

Sanjay/-

U			
---	--	--	--

