

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2794 of 2022

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Bal Krishna Jha, aged about 56 years, male, Son of Late Natho Jha, Resident of village- Losghani, P.S.- Piri Bazar, District- Lakhisarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Munger.
3. The Collector cum District Magistrate, Lakhisarai.
4. The Sub Divisional Officer, Lakhisarai.
5. The District Supply Officer, Suryagarha.
6. The Block Supply Officer, Suryagarha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Ms. Preety Kunwar, Advocate

For the State : Mr. Bijay Kumar Sinha, Advocate

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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 : 09-03-2022

Heard Mr. N.K. Agrawal, the learned senior Advocate for the petitioner and Mr. Bijay Kumar Sinha, the learned counsel for the State.



2. The licence of the petitioner was cancelled by the licensing authority, which order was sustained by the appellate authority. However, the Revisional Court, finding both the orders to be non-speaking, remanded the matter to the appellate authority for passing a fresh order in accordance with the law.

3. Mr. N.K. Agrawal, the learned senior Advocate has submitted that if the order of the licensing authority itself was found to be non-speaking, the matter ought to have been remanded to the licensing authority as an appellate authority cannot reconstitute the original proceeding before the licensing authority.

4. On that ground alone, we set-aside the order passed by the Revisional Court dated 05.01.2022 by which the matter has been remanded to the appellate authority.

5. We direct that the matter be remanded to the licensing authority for passing a final order with respect to the licence of the petitioner.

6. Needless to state that the petitioner shall



be given a fresh notice and shall be afforded an opportunity of responding to such notice.

7. The order by the licensing authority shall be passed after taking into account all facts necessary for concluding the proceeding, within a period of 60 days from the date of receipt/production of a copy of this order, providing reasons for the conclusion succinctly.

8. With the aforesaid observation/direction, the writ petition stands allowed.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11/03/2022
Transmission Date	N/A

