

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4678 of 2020

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Madan Singh Son of Gauri Shankar Singh Resident of Village Indrapuri
Mohalla Ward No. 5 P.S. Nokha District Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food, Civil Supplies and Consumer Protection, Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Sub-Divisional Officer, Sasaram District Rohtas at Sasaram.
5. The District Supply Officer, Sasaram District Rohtas at Sasaram.
6. The Assistant District Supply Officer, Sasaram, District Rohtas at Sasaram.
7. The Block Supply Officer, Nokha District Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, (AC to SC4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 24-11-2022

Heard Mr. Raghunandan Kumar Singh, learned
advocate for the petitioner and Mr. Upendra Pratap Singh for the
State.

The license of the petitioner has been cancelled, against
which order, he had preferred an appeal and thereafter, revision but
those challenges against the order of cancellation could not be
sustained.



The learned counsel for the petitioner has shown to this Court the contents of the order of cancellation of the Licensing Authority which reflects that the notice was served upon him for the alleged/perceived indecent behaviour of the petitioner earlier. The additional charge against the petitioner appears to be of not depositing the proof of supply of kerosene oil to the beneficiaries for the month from December, 2016 to January, 2017.

Though the petitioner is alleged to have refused to accept the notice but the petitioner denies the same.

He had taken the matter to the appellate forum where he is said to have disclosed that the notice could not be received because of his absence from the place of work in connection with the marriage of his son.

However, from the appellate order, it appears that for the reason of the accusation against the petitioner, the order of cancellation of license has been sustained.

In that context, we are of the view that the petitioner ought to be heard and his explanation be taken into account.

Without going into the correctness of the accusation and counter accusation about the notice having been issued to the petitioner and he not accepting the same but preferring appeal and revision against the order of cancellation, we set aside all the three



orders impugned in the present petition and remit the matter to the Licensing Authority to pass a fresh order in accordance with law after giving reasons for rejecting the explanation of the petitioner.

Needless to state that the petitioner shall be afforded fresh opportunity of explaining his cause and the order so passed by the authority shall be a reasoned one.

The petitioner shall bring to the notice of the Licensing Authority a copy of this order within a period of thirty days.

The entire exercise ought to be completed by the Licensing Authority within a further period of next sixty days thereafter.

With the aforementioned observation/direction, the petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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