

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3184 of 2022

Bindu Kumari, aged about 30 years, female, W/o Kundan Kumar, resident of
Village - Dharhara, P.S. - Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar, Gaya.
4. The Block Supply Officer, Fatehpur, Gaya.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-06-2022

Heard Mr. N.K. Agrawal, the learned Senior
Advocate for the petitioner and Mr. Alok Ranjan, the
learned counsel for the State.

2. The license of the petitioner to run his
P.D.S. shop has been cancelled *vide* order dated



28.12.2021, which order is under challenge in the present petition.

3. Mr. N.K. Agrawal, the learned Senior Advocate for the petitioner has pointed out that the order does not state the reasons for discarding/rejecting the explanation offered by the petitioner. He further submits that even the one-line explanation given by the licensing authority is indicative of non-application of mind as the reason assigned for rejecting the explanation of the petitioner is that he has not been granted bail by the competent Court.

4. Assuming but not admitting the aforesaid fact to be correct, it has been argued, the petitioner cannot be taken to a fugitive as otherwise he would not have accepted and responded to the notice.

5. The explanation offered by the petitioner has not at all been adverted to and a mechanical order has been passed without any supporting reason.

6. Such an order cannot be sustained in the eyes of law.



7. We are, therefore, of the considered opinion that such an order is unsustainable and, therefore, we set it aside.

8. The matter is remitted to the licensing authority for writing out a fresh order in accordance with law after giving a fresh and reasonable opportunity to the petitioner to explain his cause.

9. Needless to state that a reasoned order shall be passed by the authority concerned within a period of 60 days from the date of receipt/production of a copy of this order.

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

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

