

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3586 of 2022

Surendra Sahani, aged about 70 years, Male, S/o Late Ram Das Sahani Resident of Village - Raghu Nath Basant Padmaul, P.S. - Kurhani, Distt. - Muzaffarpur, P.D.S. Dealer Harpur Balara, Block - Kurhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Sub - Divisional Magistrate, West, Muzaffarpur, P.S. Town, District- Muzaffarpur.
3. The Incharge Block Supply Officer, Kanti, P.S. - Kanti, Distt. - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 27-04-2022

Heard Mr. Shankar Kishore Shahi, learned advocate for the petitioner and Mr. Upendra Pratap Singh for the State.

The petitioner is aggrieved by the order dated 31.12.2021 passed by the Licensing Authority viz the Sub-Divisional Officer, West, Muzaffarpur whereby his license to run the PDS shop has been cancelled.



Learned counsel for the petitioner has raised a solitary point that pursuant to the notice issued to him, he had replied but none of the grounds in his reply has been adverted to before passing the order of cancellation of the license.

Mr. Shahi further submits that such an order cannot be sustained in the eyes of law as it does not reflect any application of mind. Merely stating that the grounds urged by the petitioner is non-existent would not suffice.

There is a reason behind insistence for any such order to be an informed one. In the absence of any reason, the same cannot effectively be challenged. Times without number, this Court as well as the Hon'ble Apex Court have underlined the necessity of such orders being passed with reasons. We have not been able to find out any reason for the Licensing Authority to have rejected the explanation offered by the petitioner against the charges leveled against him in his capacity as PDS dealer.

For the reasons aforementioned, we are constrained to set aside the order.

The matter is remitted to the Licensing Authority to pass a fresh order in accordance with law after stating the reasons in support of such conclusion.



Such an order shall be passed not later than sixty days from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this writ application is allowed and disposed of accordingly.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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CAV DATE	NA
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Transmission Date	

