

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7559 of 2021

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Panilal Rajak Son of Biro Rajak resident of village- Gochari, Near Kanya Pathshala, Gochari, P.o.- Gopalpur, district- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna
3. The District Magistrate, Khagaria
4. The Sub Divisional Officer, Gogri, Khagaria
5. The Block Supply Officer, Gogri, Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Sushmita Mishra, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 03-02-2022 The present writ petition has been filed for setting aside the order dated 08.01.2021, passed by the Sub Divisional Officer, Gogri, Khagaria whereby and whereunder the P.D.S. license of the shop of the petitioner bearing License no. 83 of 2007 has been cancelled.

At the outset, the learned counsel for the petitioner has taken us to the impugned order dated 08.01.2021 and has submitted that the same is a cryptic order and smacks of non-application of mind.



The learned counsel for the respondent- State has not disputed the position, as is existing on facts as also in law.

We have perused the materials on record as also the impugned order dated 08.01.2021 and find that the impugned order dated 08.01.2021, on the very face of it, is a non-speaking order which neither assigns any reasons nor deals with any of the defense raised by the petitioner and moreover, no cogent, clear and succinct reasons have been furnished in support of the impugned order dated 08.01.2021, which is an indispensable component of a decision making process, hence the said order dated 08.01.2021 stands vitiated in the eyes of law, thus is quashed. However, we deem it fit and appropriate to remand the matter back to the Sub Divisional Officer, Gogri, Khagaria to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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