

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3804 of 2022

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Vina Kumari, female, aged about 49 years, Wife of Vinod Bhagat, Resident of Village-Sadwara, P.S.-Simri, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Darbhanga.
3. The Licensing Authority-cum-Sub-Divisional Officer, Sadar, Darbhanga, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.

For the State : Mr. Vishambhar Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 20-06-2022

Heard Mr. Rajeev Kumar Labh, the learned Advocate for the petitioner and Mr. Vishambhar Prasad, the learned counsel for the State.

2. On 27.04.2022, the State was directed to file counter affidavit but till date, the same has not been



filed.

3. The learned counsel for the State has prayed for some more time to put in his response to the petition.

4. However, on going through the order impugned, it appears to us that the licensing authority has passed the order in the absence of any explanation offered by the petitioner.

5. True it is that despite the petitioner having been served notice to respond to the charges levelled against him, he did not file any response; but considering the circumstances and the nature of accusation, we are of the view that one opportunity be given to him to represent his cause before a final decision is taken.

6. Considering the afore-noted aspect of the matter, the order dated 13.01.2022 passed by the licensing authority is, hereby, set-aside.

7. The matter is remitted to the licensing authority again to pass an order afresh in accordance with law after giving reasonable opportunity to the petitioner



to respond to the charges levelled against him.

8. On appearance of the petitioner, he shall be given an opportunity to file his response to the charges levelled against him and, thereafter, a reasoned order shall be passed by the licensing authority within a period of 60 days at the maximum.

9. Needless to state that all the grounds raised by the petitioner shall be adverted to.

10. We also make it clear that in the meantime, there shall be no resumption of supply to the petitioner.

11. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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