

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4290 of 2022

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Arvind Kumar @ Arvind Kumar Das S/o Late Sheo Narayan Das, Resident of
Village - Rampur Raul Dhabolia, Kusheshwar Asthan Purbi, Block -
Kusheshwarsthan Purbi, Dist. - Darbhanga, Pin 848213.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Licensing Officer-cum-Sub-Divisional Officer, Biraul, Darbhanga.
5. The Land Reform Deputy Collector, Biraul, Darbhanga.
6. The Block Supply Officer, Kusheshwarsthan Purbi, Darbhanga.
7. The District Supply Officer, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC -4

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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 : 21-06-2022

Heard Mr. Kaushalesh Choudhary, learned Advocate for
the petitioner and Mr. Upendra Pratap Singh, learned AC to SC - 4.

The petitioner is aggrieved by the order dated
05.01.2022 passed by the licensing authority/Sub-Divisional-
Officer, Biraul, Darbhanga whereby the license of the petitioner
has been cancelled.

It may not be out of place here to record that initially the
license of the petitioner was cancelled by order dated 25.05.2021



which was challenged by the petitioner before this Court vide C.W.J.C. No. 12120 of 2021.

This Court, taking into account that the order did not reflect an independent application of mind by the S.D.O./licensing officer, set aside the order and directed the S.D.O. to pass a fresh order in accordance with law after providing reasonable opportunity to the petitioner. Thereafter the petitioner appears to have been noticed to furnish his reply to the charge, which he replied and the impugned order cancelling the license of the petitioner has been passed.

The petitioner has challenged the aforesaid order on several grounds; two of them being that the grounds raised by the petitioner have not at all been appreciated in correct perspective and that in similar set of facts in another case, the license of one of the licensee has been restored.

For the reason of the petitioner not having exercised his option of preferring an appeal against the aforesaid order, we are not inclined to entertain this petition at this stage.

The petitioner, if so advised, may prefer an appeal against the order of cancellation of license.

Should such an appeal be filed within a period of 30 days, that shall be taken up for consideration by the appellate



authority and after affording opportunity to the petitioner to represent his cause, a reasoned order shall be passed by the appellate authority within a period of sixty days of the receipt of a copy of this order or the memo of appeal challenging the order of cancellation of the license.

Needless to state that the appellate authority shall provide reasons in support of the order. This Court is insisting on the recording of reasons for the sole reason that it would serve the wider principle of justice that it should not only be done but should appear to have been done and that also in a proper and appropriate manner.

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

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2022
Transmission Date	

