

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5465 of 2020

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Kamakhya Narain Singh S/O- Late Bhuneshwewr Singh, Resident of village
Kheraje-Sahpur, P.O. Lalshahpur, P.S Sadar (Mabbi O.P), District Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna.
2. The Collector, Darbhanga.
3. The District Supply officer, Darbhanga.
4. The Sub-divisional Officer Darbhanga.
5. The Marketing Officer Darbhanga.
6. The Block Supply Officer, Bahadurpur, District Darbhanga.
7. The Block Supply Officer, Hayaghat, District Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Narayan, Adv.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG5

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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 : 17-08-2022

Heard Mr. Amarendra Narayan, learned advocate for
the petitioner and Mr. Alok Ranjan for the State.

On the complaint of few persons of the locality namely
Rekha Devi and Bharat Ram, an enquiry was conducted into the
functioning of the PDS of the petitioner and, on finding faults, a
show-cause notice was given to him. Not finding the explanation
offered by the petitioner to be convincing, the license of the
petitioner was cancelled vide order dated 21.09.2019.



The learned counsel for the petitioner has drawn the attention of this Court to the disquieting fact that on the complaint of same set of persons, another licensee of the area was also subjected to the same disqualification and cancellation of his license. By pointing out this fact, the learned counsel for the petitioner has argued that a stock order has been passed by the licensing authority with respect to some of the licensees of the area. It becomes rather stark that same set of persons had complained against two of the licensees. Apart from this, Mr. Amarendra Narayan, learned advocate, has urged, rather vehemently, that the licensing authority, without specifying any reason as to why his explanation was not satisfactory, has chosen to cancel the license. He therefore submits that the order is absolutely non-speaking and does not therefore qualify the test of sustainability on account of its being non-speaking.

A perusal of the order does indicate that a stock order has been passed in case of two of the licensees and reason have not been given in support of the conclusion arrived at by the authority.

For the aforementioned reasons, we set aside the order of the licensing authority and remit the matter to him again to write out a fresh order in accordance with law, after affording the petitioner a copy of the inquiry report and giving him reasonable time to give



his reply. Such exercise ought to be completed within a period of sixty days from the date of receipt/production of a copy of this order.

Any order passed by the licensing authority, needless to state, should contain reasons in support of the same.

The writ petition stands allowed and disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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