

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9135 of 2021

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Sahdev Rai, son of Ramlakshan Rai, Resident of Village- Madhopur Raushan,
Bhisa, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Sub Divisional Officer, Sadar Sitamarhi.
4. The Block Supply Officer, Dumra, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, 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)

2 04-02-2022 The present writ petition has been filed seeking quashing of the order dated 13.02.2021 passed by the Sub-Divisional Officer, Sadar, Sitamarhi whereby and whereunder the license of the PDS shop of the petitioner has been cancelled.

The short issue raised by the petitioner for consideration is that a bare perusal of the impugned order dated 13.02.2021 would show that the show cause reply of the petitioner has been rejected in one line by simply terming it to be unsatisfactory, without furnishing any cogent, clear or succinct reasons for coming to a conclusion warranting cancellation of the license of the petitioner and moreover, the impugned order dated



13.02.2021 does not depict any application of mind by the licensing authority, thus, it is submitted that the impugned order dated 13.02.2021 stands vitiated in the eyes of law.

Per contra, the learned counsel for the Respondent-State has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that the impugned order dated 13.02.2021 does not show any application of mind on the part of the Sub- Divisional Officer, Sadar, Sitamarhi as also no clear, succinct or cogent reasons have been furnished by the licensing authority so as to come to a finding warranting cancellation of the license of the petitioner, this Court finds that the impugned order dated 13.02.2021 stands vitiated in the eyes of law, hence, is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sadar, Sitamarhi, to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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