

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5506 of 2022

Mostt. Maha Devi W/o Late Dhanik Lal Mandal, resident of Village- Araraha,
P.O.- Kamaldaha, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Koshi Division, Saharsa.
3. The District Magistrate-cum- District Collector-cum- District Officer, Supaul.
4. The Sub- Divisional Officer, Supaul, District- Supaul.
5. The Block Supply Officer, Kishanpur, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 03-08-2022

Heard Mr. Amrit Abhijat, learned Advocate for the petitioner and Mr. Upendra Pratap Singh for the State.

The license of the petitioner was cancelled vide order dated 05.02.2021, which order has been sustained by the appellate authority on 02.12.2021.

Both the orders are under challenge.

The learned counsel for the petitioner has drawn the attention of this Court to the order of the licensing authority which does not state any reason.

The license has been cancelled on the plea that the explanation given by the petitioner was not satisfactory.



What reason weighed with the licensing authority for not accepting the explanation of the petitioner cannot be inferred from such laconic order.

Since the original order is defective, the same cannot be restituted or cured by the order passed appellate authority.

For the reason of the original order of cancellation of license being absolutely laconic and non-speaking, we set aside both the orders viz. the order passed by the licensing authority as also the appellate authority.

The matter is remitted to the licensing authority to give a fresh notice to the petitioner within a period of thirty days from the date of receipt/production of a copy of this order. After eliciting the response of the petitioner, for which a reasonably sufficient time shall be given to him, an order shall be passed by the licensing authority within next sixty days giving reasons in support of the same.

With the aforesaid direction/observation the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2022
Transmission Date	

