

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5888 of 2022

Chandeshwar Paswan S/o- Late Lochan Paswan, Resident of Village-
Banghara, Ward No. 04, P.S.- Shivaypatti, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer, East Muzaffarpur.
4. The Block Supply Officer, Meenapur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Preety Kunwar
For the Respondent/s : Mr. S.Raza Ahmad (AAG4)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 27-07-2022

Heard Mr. N. K Agarwal, learned senior Advocate for the
petitioner and Mr. Anisul Haque for the State.

The licence of the petitioner has been cancelled, which order
has been affirmed in appeal.

Mr. Agrawal, learned senior Advocate has pointed out that the
notice itself reflects that there has not been any violation of any one of
the conditions of licence, expect for his shop being found to be closed
on two days when inspection was carried out.



It has been submitted that necessary explanation was given for closure of shops on two days, but the same was never adverted to.

Three other charges listed in the notice reflects that there has not been any violation of any one of the conditions of licence as the foodgrains were distributed in the same month in which they were lifted.

However, while passing the final order, the Licensing authority had adverted to and relied upon different grounds for which the petitioner was never put to notice.

This makes the order passed by the Licensing authority cancelling the license of the petitioner absolutely unsustainable in the eyes of law.

The appellate order also does not refer to the aforesaid anomaly in the original order and otherwise also, in the appeal, this initial defect could not have been remedied.

We are thus of the view that the order passed by the Licensing authority as also the appellate authority, cancelling the license of the petitioner and sustaining the aforesaid order of cancellation, is unsustainable in the eyes of law and we therefore set it aside.



The matter is remitted to the Licensing authority to furnish fresh notice to the petitioner within a period of 60 days of the receipt/production of a copy of this order.

After eliciting the response of the petitioner for which he shall be given reasonably sufficient time, a final order shall be passed within a further period of 60 days thereafter giving reasons in support of such order.

The final order shall be made available to the petitioner forthwith.

With the aforesaid directions/observations, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/uttam/-

AFR/NAFR	NAFR
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