

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6115 of 2022

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Md. Alamgir S/o Md. Shafik Resident of Village- Basaul, Barri Phulbariya,
Ward No.02, Panchayat- Barri Phulbariya, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.
For the Respondent/s : Mr.Mr. Anisul Haque, 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 : 11-08-2022

Heard Mr. Vijay Anand, learned advocate for the
petitioner and Mr. Anisul Haque representing the State.

The license of the petitioner has been cancelled by the
licensing authority who, according to the learned counsel for the
petitioner, had himself made an inspection of the shop of the
petitioner but had not afforded the copy of the inspection report to
him before passing the order.

The order impugned in the present petition has been
challenged on three counts viz. that in the absence of the inquiry
report having been furnished to the petitioner, there could not have



been any effective representation on his behalf; the same authority inspected the shop and decided that the petitioner's license deserves to be cancelled and; lastly that the notice did not clearly stipulate the consequences in case the explanation given by him were not to be found satisfactory.

The last of the grounds raised on behalf of the petitioner is not tenable for the reason that any further action in that regard which has been stipulated in the notice is clear enough to indicate that if the explanation is not found to be satisfactory, the only punitive action to which the petitioner could be subjected is cancellation of his license and no other order.

However, with respect to the two other grounds raised on behalf of the petitioner, we find substance in the same.

For the aforementioned reason, we are not taking exception to the petitioner having approached this Court directly after the order of cancellation was passed, without availing of the alternative remedy of preferring an appeal against such order.

We set aside the order impugned; remit it to the licensing authority to give a fresh notice to the petitioner along with a copy of the inquiry report within a period of sixty days from the date of receipt/production of a copy of this order. On eliciting the response of the petitioner on such notice by giving him



reasonably sufficient time, a final order shall be passed giving reasons in support of the same within the next sixty days. which order shall be communicated to the petitioner forthwith.

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

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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