

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7779 of 2019

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Ram Chandra Baitha Son of Jagdev Baitha resident of Village- Suragahiya,
P.O. Haribela, Block- Bathnaha, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate, Sitamarhi, District- Sitamarhi.
3. The Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District- Sitamarhi.
4. The Block Supply Officer, Block- Bathnaha, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Respondent/s : Mr. Vijay Kumar Sinha, AC to AAH 5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 02-12-2022

Heard Mr. Anil Chandra, learned Advocate for the
petitioner and Mr. Vijay Kumar Sinha for the State.

The license of the petitioner was suspended for his
having become an accused in a criminal case involving breach
of Essential Commodities Act, 1955. Later the license was
cancelled *vide* order dated 17.01.2019, which order is under
challenge in the present petition.



The order referred to above indicates that notice to the petitioner was issued but it was refused to be accepted. The counter affidavit discloses that the notice was refused to be accepted and the bailiff was prevented from affixing the notice on the outer wall of the house of the petitioner.

Precisely for this reason, without according any reason in the order, the license of the petitioner has been cancelled.

The learned counsel for the petitioner, however, submits that such assertion of the State is absolutely incorrect factually. There is no evidence to support the resistance of the petitioner in either accepting the notice or preventing the bailiff from affixing it on the outer wall of the house. In such cases, evidence is recorded by the bailiff in the shape of statement by neighbours or others who may have accompanied him.

Be that as it may, we find from the order that no reason has been assigned.

Without commenting adversely on the un-reasoned order and keeping in mind that one more opportunity is required to be given to the petitioner to explain his cause as



also taking into consideration the submission of the petitioner that he shall furnish the reply to the show-cause notice within the time-frame fixed by the licensing authority, we deem it appropriate to set aside the order and remand the case to the licensing authority to issue a fresh notice to the petitioner, detailing the charges against him within a period of fifteen days of receipt/production of a copy of the order.

After receiving the reply of the petitioner, for which reasonable time shall be given to him, the licensing authority shall advert to the same and pass a reasoned order within a period of sixty days thereafter, giving reasons in support of the decision so taken.

With the afore-noted direction/observation, the petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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