

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7210 of 2022

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Ram Bharat Ram, aged about 61 years, male, son of Late Mundrika Ram,
Resident of Village-Birodih, Police Station-Nasriganj, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Commerce Affairs, Government of Bihar, Patna.
2. The District Magistrate-cum-Chairman, District-Rohtas at Sasaram.
3. The Sub-Divisional Officer-cum-Licensing Authority, Dehri, Rohtas.
4. The Block Supply Officer, Akorhi Gola, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Anisul Haq, AC to AAG-5

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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 : 12-10-2022

Heard the learned counsel for the parties.

2. The license of the petitioner has been
cancelled by the licensing authority which has been
challenged in the present writ petition on the sole



ground that he was afforded only two days to explain his cause.

3. The order passed by the licensing authority has been affirmed by the appellate authority.

4. With reference to the show-cause reply filed by the petitioner, the learned counsel has tried to demonstrate that because of short duration given to him to reply, his show-cause was very perfunctory, which perhaps is the basis for cancellation of his license. The petitioner, it has been urged, required more time to respond to the charges in the notice.

5. From the show-cause reply, we find that its a hurriedly prepared reply which does not answer to the charges at all. There could be a possibility of injustice if reasonable time is not provided to the licensee to explain his cause against the contemplated course of action of cancellation of the license.

6. For this reason alone and not



commenting on the contents of the orders impugned, we set-aside both the orders passed by the licensing authority as also the appellate authority with a direction to the licensing authority to pass a fresh order in accordance with law, in the event of the petitioner bringing to the notice of the licensing authority a copy of this order.

7. On production of a copy of this order, a fresh notice shall be given to the petitioner within a period of thirty days thereafter and he shall also be afforded all the documents which might be relied upon by the licensing authority against him and after receipt of his reply and affording opportunity to him to explain his cause, a final order be passed within the next sixty days, to be counted from the date of receipt of reply of the fresh show-cause notice to him.

8. The order so passed by the authority shall contain reasons in support of the same and shall



be made available to the petitioner forthwith.

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

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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