

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11720 of 2021

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Nandlal Ram, S/o Ghura Ram, R/o Village Jamurna, P.S. Ramgarh, District
Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Bihar Patna.
2. The Collector-cum District Magistrate, Kaimur at Bhabua.
3. The District Supply Officer, Kaimur at Bhabua.
4. The Assistant District Supply Officer, Kaimur at Bhabua.
5. Sub- Divisional Officer (Supply), Mohania, Kaimur at Bhabua.
6. Block Supply Officer, Ramgarh, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Respondent/s : Mr. Raghwanand, GA-11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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**(The proceedings of the Court are being conducted by
Hon'ble the Chief Justice/ Hon'ble Judges through
Video Conferencing from their residential
offices/residences. Also, the Advocates and the Staffs**



joined the proceedings through Video Conferencing from their residences/offices.)

Date : 07-01-2022

The present petition stands filed, invoking the jurisdiction of this court under Article 226, Constitution of India.

Petitioner has prayed for the following relief/s :-

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That the present writ application is being filed for issuance of writ in nature of Mandamus or any other appropriate writ/writs to set aside the order 26.3.2021, passed by the Sub-Divisional Officer (Supply), Mohania, Kaimur at Bhabua respondent no. 5 in Supply Case No. 06/2021, (Annexure-4), whereby and where under P.D.S. licence bearing no. 31/2016 of the petitioner has been cancelled without given proper opportunity to heard the petitioner or adducing evidence before the passing the order impugned and in hurry passed the order in noncompliance of Rule 27 of the Bihar Targeted Public Distribution System (Control) Order 2016.

The petitioner is a dealer under the Public Distribution System whose license stood cancelled upon an inspection conducted on 15.02.2021, pursuant to which the S.D.O issued



notice to him on 17.02.2021, granting him 24 hours time to file documents in favour of his case, and soon after, passed an order revoking the license on 26.03.2021. Hence, this present petition.

We find that, the impugned order is a non-speaking and cryptic one as it only mentions the irregularities found during inspection and does not detail the testimonies on the basis of which the licence has been cancelled on account of inadequate countering of allegations by the petitioner. The objection filed by the petitioner was neither referred to nor dealt with by the Officer.

As such, on this short ground alone, we quash and set aside the order dated 26.03.2021 passed by the Sub-Divisional Officer, Mohania, Kaimur at Bhabua remanding the matter back to the officer concerned for passing a fresh order in accordance with law.

Since the matter pertains to the year 2021, petitioner shall appear before the appropriate authority on 21.01.2022, on which date, he shall also file a detailed response and place on record materials in support of his case.

The appropriate authority shall pass a fresh order assigning reasons within a period of four weeks thereafter. Liberty reserved to assail the same before the appropriate forum,



should the need so arise.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

