

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12143 of 2021

Shiv Kumar Prasad S/o Rohan Prasad Resident of Village-
Kenduari, Panchayat- Lakhaipur, P.S.- Mohanpur, District-
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The Sub- Divisional Officer, Sherghati.
3. The Collector Gaya.
4. The A.D.S.O. Sherghati District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.

For the Respondent/s: Mr. Maruty Nath Roy, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 23-02-2022

The present writ petition has been filed for quashing the order dated 23.03.2021, passed by the Sub Divisional Officer, Sherghati, whereby and where-under the license of the P.D.S. shop of the petitioner bearing License no.342/ 2007/ 62/2016 has been cancelled.

At the outset, the learned counsel for the petitioner has taken us to the impugned order dated 23.03.2021 and has submitted that the same is a cryptic order and smacks of non-application of mind.

The learned counsel for the respondent-



State has not disputed the position, as is existing on facts as also in law.

We have perused the materials on record as also the impugned order dated 23.03.2021 and find that the same, on the very face of it, is a non-speaking order which neither assigns any reasons nor deals with any of the defense raised by the petitioner and moreover, no cogent, clear and succinct reasons have been furnished in support of the impugned order dated 23.03.2021, which is an indispensable component of a decision making process, hence the said order dated 23.03.2021 stands vitiated in the eyes of law, thus is quashed. However, we deem it fit and appropriate to remand the matter back to the Sub Divisional Officer, Sherghati, Gaya to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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