

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7945 of 2022

Vijay Kumar Yadav, S/o Late Jagdish Prasad Yadav, Resident of Village-Banthi, P.S.-Dhoraiya, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Bihar.
3. The District Magistrate, Banka.
4. The District Supply Officer, Banka.
5. The Sub Divisional Officer, Banka, District-Banka.
6. The Block Supply Officer, Dhoraiya, District-Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 04-08-2022

Heard Mr. Chandrasekhar Sharma, learned Advocate
for the petitioner and Mr. Upendra Pratap Singh for the State.

The license of the petitioner has been cancelled which
order has been sustained in appeal.

Learned counsel for the petitioner has made a
categorical statement in the writ petition that pursuant to the
show-cause notice received by him, notwithstanding the fact that
he was given a very short time to reply, he replied to the same



but the order passed by the licensing authority indicates that no such reply was filed.

We have also perused the reply to the show-cause filed by the petitioner which does not contain detailed reasons but finding that the order of cancellation was passed in the absence of any consideration of the defence of the petitioner, we are not inclined to sustain the order passed by the licensing authority as also of the appellate authority affirming such order.

Both the orders are thus set aside.

The matter is remitted to the licensing authority to issue fresh notice to the petitioner within a period of thirty days from the date of receipt/production of a copy of this order. On eliciting the reply of the petitioner by giving him sufficient time, a final order shall be passed within next sixty days giving reasons in support of the same.

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

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.08.2022
Transmission Date	

