

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8869 of 2022

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Badri Kumar Yadav @ Badri, son of Late Amir Lal Yadav, resident of Village-
Baghar, Ward No. 14, P.S. Manihari, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector, Katihar.
3. The District Supply Officer, Katihar.
4. The Sub- Divisional Officer, Manihari, District- Katihar.
5. The Block Supply Officer Amdabad, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K Agarwal, Sr. Adv
Mr. Sanjeev Kumar Sing Advocate
Mr. Prashant Kumar Adv
For the State : Mr. U.P. Singh (SC4)

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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 : 22-09-2022

Heard Mr. N. K. Agarwal, learned Senior Advocate
for the petitioner and Mr. Upendra Pratap Singh, for the State.



The licence of the petitioner has been cancelled, which order has been sustained by the Appellate Authority.

However, looking at the order passed by the Licensing Authority cancelling the licence of the petitioner, we find that no reason has been assigned for not accepting the explanation offered by the petitioner pursuant to the show cause notice issued to him. Merely indicating in the order that the explanation offered by the petitioner was not found to be satisfactory does not satisfy this Court. The reasons for discarding/not accepting the explanation offered by the petitioner is required to be indicated in brief.

Only for the afore-noted reason, we do not find the order passed by the Licensing Authority to be sustainable in the eyes of law.

Since the appellate order is based on the first order of cancellation of licence by the Licensing Authority and which cannot actually reconstitute the original order, we are constrained to set aside the appellate order as well.

The matter is remitted to the Licensing Authority to write out a fresh order in accordance with law, giving reasons in



support of the decision within a period of 60 days from the date
of receipt/production of a copy of this order.

The writ petition stands allowed accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Skm/uttam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

