

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11639 of 2019

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Nesar Alam @ Md. Nesar Alam Son of Sharif Mian, Resident of Village-
Gurhanwa, P.S. Kundwachainpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector of the District East Champaran, Motihari.
2. The Sub-Divisional Officer-Cum-Licensing Officer, Sikrahana Sub-Division, District- East Champaran.
3. The District Supply Officer, East Champaran, Motihari.
4. The Block Supply Officer, Dhaka, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Adv.

For the Respondent/s : Mr. Alok Ranjan, AC to AAG5

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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 : 17-08-2022

Heard Mr. Dhananjay Kumar, learned advocate for the
petitioner and Mr. Alok Ranjan for the State.

The license of the petitioner was cancelled by order dated
26.07.2013.

From the perusal of the order cancelling the license of the
petitioner, it becomes apparent that he was charged with allowing
the quota of subsidized grains to lapse by not depositing the draft in
time.

The petitioner gave his own explanation which was not
found to be satisfactory and as such an order was passed, cancelling
the license of the petitioner.



Without exhausting his legal remedy, the petitioner had approached this Court against the aforesaid order of cancellation of license vide CWJC No. 20078 of 2013 which was disposed of vide order dated 15.04.2014 asking the petitioner to challenge the aforesaid order of cancellation before the appellate authority and the appellate authority was in turn directed to expedite the hearing of appeal and conclude the same preferably within a period of 90 days from the date of filing of the memo of appeal. Consequently, the matter went before the appellate authority, who has passed the order dated 16.11.2018 affirming the order of cancellation of license of the petitioner by the licensing authority.

The appellate order has been impugned in the present petition.

A bare perusal of the impugned order reflects that the contents of the order are absolutely contradictory. The appellate authority has proceeded to record his findings that the licensing authority did not advert to the enquiry report and the specific reply of the petitioner in connection with such report and in fact castigated the manner in which the order was passed. However, in the second part of the order, while discussing the explanation offered by the petitioner to be unsatisfactory, the appellate authority makes a candid observation that the order so passed by the



licensing authority is a speaking order which does not require any interference.

This Court is at a loss to understand and collate the two parts of the order passed by the appellate authority. The order therefore is absolutely incoherent and we do not get any idea as to why the appellate authority has affirmed the order of the licensing authority.

Without saying anything else, we set aside the appellate order for being absolutely contradictory in terms and remit the matter to the appellate authority again to write out a fresh order in accordance with law. The entire exercise ought to be completed within a period of sixty days from the date of receipt/production of a copy of this order.

We reiterate that any order so passed by the appellate authority shall spell out the reasons in support of the same.

The writ petition stands allowed and disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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