

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10053 of 2020

=====

Satya Prakash Kumar S/o Anjani Kumar Gupta, Resident of Malighat Near
Sarswati Mandir, P.S.-Mithanpura, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer, East, District-Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Raju Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 01-02-2022 The present writ petition has been filed for quashing the order dated 4.8.2020 passed by the Sub-Divisional Officer, East, Muzaffarpur, whereby and where-under the PDS license of the shop of the petitioner bearing No. 23-17-42-09/2020 has been cancelled.

The learned counsel for the petitioner has submitted that two show cause notices dated 4.8.2020 and 15.7.2020 were issued to the petitioner, to which a detailed reply dated



30.07.2020 was filed by the petitioner, however, the impugned order dated 4.8.2020 has been passed in a cryptic manner without considering reply of the petitioner.

The learned counsel for the Respondent State has submitted that a bare perusal of the impugned order dated 4.8.2020 would show that reply of the petitioner has been considered, however, he is unable to contradict the fact that the impugned order dated 4.8.2020 is wholly unreasoned and does not deal with the reply of the petitioner explicitly and no detailed reasons have been furnished in support of the impugned order dated 4.8.2020.

Having regard to the facts and circumstances of the case, we are of the view that the impugned order dated 4.8.2020 has not explicitly dealt with the reply of the petitioner and no cogent, clear and succinct reasons have been furnished in support of the impugned order dated 4.8.2020, which is an indispensable component of a decision making process, hence the impugned



order dated 4.8.2020 passed by the Sub-Divisional Officer, East, Muzaffarpur, is not sustainable in the eyes of law, hence, is quashed. However, the matter is remanded back to the Sub-Divisional Officer, East, Muzaffarpur to proceed afresh in the matter in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

