

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12220 of 2019

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Kailash Prasad Yadav @ Kailash Prasad S/o Vishwanath Yadav @ Vishwanath Mahato Resident of Village Ilara, P.S. Cherki, Dist. Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna
2. The Divisional Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The Sub Divisional Officer, Sadar, Gaya
5. The District Supply Officer, Gaya
6. The Block Supply Officer, Bodh Gaya, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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

Date : 02-12-2022

Heard Mr. Binay Kumar, learned advocate for the petitioner and counsel for the State.

The PDS license of the petitioner has been suspended on the ground of his having become accused in a criminal case involving breach of Essential Commodities Act, 1955.

Learned counsel for the petitioner has submitted that vide memo no. 1698 dated 13.12.2018, the petitioner was directed by the S.D.O., Sadar, Gaya to reply to the show-cause



on which the petitioner filed his reply but, the S.D.O., Gaya passed the order of cancellation of license.

The Licensing Authority has passed the order without adverting to his reply by an one line order that it is not satisfactory.

Such orders cannot be said to be an speaking order.

Accordingly, the matter is remitted to the Licensing Authority to pass a fresh order in accordance with law but, only after giving reasonable opportunity of hearing to the petitioner to explain his cause and giving reasons in support of the decision so taken.

This exercise ought to be completed within a period of 60 days, to be counted from the date of presentation/production of a copy of this order before the Licensing Authority.

The writ petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2022
Transmission Date	

