

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15647 of 2021

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Lalbabu Ray @ Lalbabu Rai, S/o- Munnak Ray Resident of Village-
Nayagaon, Mohammadpur, Muradpur, P.S.- Deshri, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate Cum Collector Vaishali at Hajipur.
3. The Sub Divisional Officer Mahnar, Vaishali.
4. The Block Supply Officer Sahdeoburug, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Ms. Preety Kunwar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal (S.C. 4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 20-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That the present writ application is being filed for the issuance of appropriate, writ, order for setting aside the orders dated 02.08.2021 passed by the Commissioner, Tirhut, Muzaffarpur in Supply Revision No. 34/2020 whereby the order dated 16.07.2016 passed in Supply Appeal No. R 208/2012-2013 passed by the Collector, Vaishali at

Hajipur has been affirmed. The appeal was preferred against the order dated 03.11.2012 contained in Memo No. 2591 passed by the Sub Divisional Officer, Mahnar, Vaishali whereby the P.D.S. shop license no. 72/2007 in the name of the petitioner was cancelled.”

The impugned order dated 03.11.2012, passed by Respondent No. 3, namely The Sub-divisional Officer, Mahnar, Vaishali, is a cryptic and non-speaking order and entails civil consequences as it affects the petitioner’s rights. No reasons has been assigned for said order. Licensing authority has held that the explanation/reply to show cause was not satisfactory and, as such, PDS licence is cancelled. The reply/explanation submitted by petitioner has neither been considered nor discussed in the order passed by the original authority. The allegations levelled in the show cause has been accepted to be true without any supporting oral or documentary evidence.

In view of the submissions made and the grounds mentioned in the petition, the impugned order dated 03.11.2012, passed by Respondent No. 3, namely The Sub-divisional Officer, Mahnar, Vaishali, cancelling P.D.S. Licence No. 72 of 2007 of the petitioner, is quashed and set aside, as such, consequential order dated 16.07.2016 passed by the Collector,

Vaishali as well as order dated 02.08.2021 passed by the Commissioner, Tirhut, Muzaffarpur are also quashed and set aside, with liberty to the petitioner to approach Respondent No. 3 afresh.

Petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the The Sub-divisional Officer, Mahnar, Vaishali on 15.02.2022 along with a copy of this order;

(b) On the said date, the entire material shall be supplied to the petitioner;

(c) Within two weeks thereafter, petitioner shall file response, complete in all respects;

(d) Petitioner shall fully cooperate and not take any unnecessary adjournment;

(e) The officer shall pass an order assigning reasons within a period of three months thereafter;

(f) While considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

(g) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	