

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18592 of 2021

=====

Arun Kumar, Son of Upendra Mahto, resident of Ward No. - 8, Sarwarpur,
Panchayat - Kachour, Block - Sonbarsa, P.S.- Kanahuali, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate Sitamarhi, District - Sitamarhi.
3. The District Supply Officer, Sitamarhi, District - Sitamarhi.
4. The Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District - Sitamarhi.
5. The Block Supply Officer, Block - Sonbarsa, District - Sitamarhi.
6. The Block Supply Officer, Block - Bathnaha, District - Sitamarhi.
7. The Block Supply Officer, Block - Suppi, District - Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Anil Chandra, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG-5)

=====

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 by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 31-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) To quash the order dated 13.02.2021 issued through Memo No. 159/Aa, under the signature of the Sub-Division Officer Sitamarhi, Sadar (Respondent No. 4) by which he has cancelled the P.D.S. shop License No. 06/19 of the petitioner (Annexure-5).

(ii) To restore the P.D.S. shop license of the

petitioner.

(iii) To pass any other appropriate order/orders as your Lordship may deem fit and proper for the end of justice.”

The impugned order dated 13.02.2021 passed by Respondent No. 4, namely, the Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District - Sitamarhi is a cryptic and non-speaking order and entails civil consequences as it affects the petitioner's rights.

In view of the submissions made and the grounds mentioned in the petition, the impugned order dated 13.02.2021 passed by Respondent No. 4, namely, the Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District - Sitamarhi cancelling P.D.S. Licence No. 06/19 of the petitioner, is quashed and set aside, with liberty to the petitioner to approach Respondent No. 4 afresh.

Petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the The Sub-divisional Officer, Sadar, Gaya on 18.02.2022;

(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	