

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18775 of 2021

=====

Mahendra Paswan, Son of Kuldip Paswan, Resident of Village - Bela, Village - Panchayat - Bibi Pesara, Police Station- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub - Divisional Officer, Sherghati (Gaya).
4. The Block Supply Officer, Barachatti, Dist. -Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

=====

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).

“That this is an application for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 14.12.2016 passed in Supply case No. 19/2016 by which the Ld. Sub Divisional Officer, Sherghati (Gaya) has capriciously been cancelled the License No. 15/09 of the petitioner carrying on business and the Public Distribution System as a P.D.S. dealer and for direction upon the respondent No. 3 to continue allocation to the Public Distribution System Shop of the petitioner

after declaring the cancelation order null and void and/or pass such other order(s) as your Lordships may deem fit and proper under the facts and circumstances of the case.”

The impugned order dated 14.12.2016 passed by Respondent No. 3, namely, the Sub-Divisional Officer, Sherghati (Gaya) 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 14.12.2016 passed by Respondent No. 3, namely, the Sub-Divisional Officer, Sherghati (Gaya) cancelling P.D.S. Licence No. 15/09 of the petitioner, is 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, 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	