

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20486 of 2021

Hem Narayan Jha, Son of Late Krishna Chandra Jha, Resident of Village -
Bankatta, P.O. - Benipatti, P.S. Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jay Prakash Sharma, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (Aag5)

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 : 10-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

I. For quashing of the order dated 28.04.2021 by which the P.D.S. license no.110/2016, which was issued in favour of the petitioner, has been rejected with immediate effect under Public Distribution System (Control) Order 2016 on the ground that the petitioner was found absent at the time of inspection of shop conducted on 22.10.2021 whereas the petitioner had gone to consult with Dr. Vinayanand Jha on that day for his medical treatment and as such the action of the respondent authorities is quite illegal, arbitrary and malafide and the impugned order under the circumstances is fit to be quashed.

II. For grant such other relief(s) for which the petitioner is found to be entitled in the facts and circumstances of the case.

The impugned order dated 28.04.2021 passed by Respondent No. 4, namely, the Sub Divisional Officer, Benipatti Sub - Division, District- Madhubani 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 28.04.2021, passed by Respondent No. 4, namely, the Sub Divisional Officer, Benipatti Sub - Division, District- Madhubani cancelling P.D.S. Licence No. 110/2016 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 Sub Divisional Officer, Benipatti Sub - Division, District- Madhubani on 25.02.2022;

(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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2022
Transmission Date	NA