

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20471 of 2021

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Rudra Kant Choudhary alias Rudrkant Choudhary, S/o Late Dinanath Choudhary, Resident of Village Sanhauli, Post- Beri, P.S.- Kusheshwarsthan, District- Darbhanga, Pin- 848213. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Licensing Officer-cum- Sub- Divisional Officer, Biraul, Darbhanga.
5. The Block Supply Officer, Kusheshwarsthan, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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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 : 10-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- i. For issuance of appropriate writ(s)/ Rule(s)/Direction(s) in the nature of mandamus, commanding the concerned respondents, for quashing the order dated 23.09.2020, contained in Memo No.213 dated 23.09.2020, issued by Licensing Officer -cum- Sub Divisional Officer, Biraul, Darbhanga, by which the License No.36/2016 of Petitioner's Public Distribution System Shop (PDS Shop), situated at Gram Panchayat Raj Beri, Kusheshwarsthan Darbhanga, has been cancelled, without considering the petitioner's reply dated 19.09.2020, to

the show cause notice dated 11.09.2020 issued by the Sub-Divisional Officer, Biraul, Darbhanga.

- ii. For restoration of Petitioner's License No. 36/2016 with all facilities, available to the PDS Shop.
- iii. For grant of all other relief(s) to which the petitioner may found entitled to, on the facts and circumstances of the case.

The impugned order dated 23.09.2020 passed by Respondent No. 4 namely, the Licensing Officer-cum- Sub-Divisional Officer, Biraul, Darbhanga 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 23.09.2020, passed by Respondent No. 4 namely, the Licensing Officer-cum- Sub- Divisional Officer, Biraul, Darbhanga cancelling P.D.S. Licence No. 36 of 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 Licensing Officer-cum- Sub- Divisional Officer, Biraul, Darbhanga 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