

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.719 of 2018

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Dinesh Kumar Singh Son of Late Hari Nandan Singh, resident of Village-
Babhandih, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub- Divisional Officer, Gaya.
5. The Block Supply Officer, Wazirganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 20-12-2022 Heard Mr. Sanjeev Kumar, the learned counsel

for the petitioner and Mr. Upendra Pratap Singh, the

learned counsel for the State.

The license of the petitioner was cancelled vide
order dated 28.01.2017, which was sustained by the
Appellate as well as Revisional Authority.

All the orders have been impugned in the present
petition.



Mr. Kumar, the learned counsel for the petitioner has drawn the attention of this Court to the first order passed by the Licensing Authority which does not spell out any reason.

On perusal of the order dated 28.01.2017, it appears that except for stating that the reply filed by the petitioner was not found to be satisfactory, no ground has been given for holding such reply to be unsatisfactory.

We do not get any idea as to what was the reply and why was it not accepted.

The learned counsel for the petitioner further submits that if the order of cancellation of license is without any reason then that defect cannot be remedied either in appeal or revision.

There is force in the submission of learned counsel for the petitioner that the appellate as well as the revisional orders cannot reconstitute the first order of cancellation of license by the Licensing Authority.

For the order of cancellation by the Licensing Authority to be absolutely non-speaking, we cannot sustain



the same.

Since the original order is held to be unsustainable by us, the orders passed in appeal and revision also are set aside.

The matter is remitted to the Licensing Authority to write out a fresh order in accordance with the law after adverting to the reply of the petitioner and giving reasons in support of the decision so taken.

This exercise shall be completed within 60 days of the receipt / production of a copy of this order.

With the afore-noted direction, the writ petition stands allowed and disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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