

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13669 of 2018

=====

Kanchan Kumar Yadav Son of Late Ramchandra Yadav, Resident of Village-
Kafen Gowardhan, P.O.-Kafen, P.S.- Hathaury, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Muzaffarpur, District- Muzaffarpur.
3. The Sub-Divisional Officer, East, Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Upendra Pratap Singh, Adv.
For the Respondent/s : Mr.S.Raza Ahmed -AAG5

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 26-08-2022

Heard Mr. Upendra Pratap Singh, learned counsel for

the petitioner and counsel for the State.

The license of the petitioner was cancelled, against which order, the petitioner had preferred an appeal. The appellate authority remanded the matter to the licensing authority to issue a fresh notice to the petitioner and after eliciting his response, a final order be passed.

Pursuant to the aforesaid direction of the appellate authority, a notice was issued to the petitioner and after receiving his reply, 24.01.2018 was the date fixed for passing



a final order. However, from the impugned order passed by the licensing authority cancelling the license of the petitioner, it appears that a day prior to the fixed date i.e. on 23.01.2018, a complaint was lodged by one Sita Devi and another with respect to the petitioner having lifted the food grains and not having distributed it amongst the targeted beneficiaries. Taking this as a ground and the other charges which were there in the earlier notice, the license of the petitioner was again cancelled.

Mr. Singh, learned advocate for the petitioner submits that with respect to the complaint by Sita Devi and another on 03.08.2018, no explanation was asked for from the petitioner and taking that complaint to be sacrosanct, the impugned order has been passed.

From the perusal of the order impugned, we find that with respect to the complaint by Sita Devi and another which has been taken into account before passing the order of cancellation, no explanation has been asked for from the petitioner.

This makes the order passed by the licensing authority highly suspected in the eyes of law.



For this reason alone, we are not in a position to sustain the impugned order and we accordingly set it aside.

The matter is remitted to the licensing authority to issue a fresh notice to the petitioner incorporating every charges against him and after eliciting his response by giving him reasonable time to present his cause, a final order be passed within a period of 60 days thereafter, giving reasons in support of the decision.

With the aforementioned observation/direction, this writ application stands allowed and disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2022
Transmission Date	

