

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24967 of 2019

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Ram Naresh Singh S/o Late Kishun Singh Resident of Village- Garahuan
Paraya Panchayat Akhatiyarpur Paraya, P.s.- Kurahani, District- Muzaffarpur
... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply
Department, Bihar, Patna
 2. Sub-Divisional Magistrate West Muzaffarpur
 3. Block Supply Officer Kurhani, Muzaffarpur
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kishore Shahi, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 18-08-2022

Heard Mr. Shankar Kishore Shahi, learned Advocate
for the petitioner and Mr. Upendra Pratap Singh for the State.

The license of the petitioner stands cancelled by
order dated 04.11.2019 passed by the licensing authority.

The license appears to have been cancelled on the
ground that the distribution register was not appropriately
maintained and that the food-grains appeared to have been
given to only one person, giving clear indication that the
distribution of food-grains amongst the beneficiaries was not
being carried out in a proper manner.



A perusal of record indicates that a show cause notice was issued to the petitioner to explain such inconsistencies in carrying out his obligation as a PDS licensee.

The learned counsel for the petitioner raises a grievance that only two days time was given to him to explain his cause but even then he explained everything but his explanation was not adverted to while passing the order of cancellation of license.

He has further submitted that the beneficiaries, on whose complaint, such show cause notice was issued to the petitioner, have in unison, on affidavit stated that the accusation is false and that they have been receiving the supplies of the subsidized food-grains on time and regularly. He further submits that the inquiry report has also not been made available to the petitioner.

Though from the order impugned, it appears that the reply to the notice was adverted to but no reason has been given by the licensing authority to reject the defence of the petitioner.



To that extent, the order cannot be called a speaking order.

For the reasons aforestated, the order dated 04.11.2019 is set aside.

The matter is remitted to the licensing authority to issue a fresh notice to the petitioner within a period of thirty days from the date of receipt/production of a copy of this order. Once the reply of the petitioner to such notice is filed, a final order shall be passed within the next thirty days of the receipt of the reply of the petitioner in which the grounds urged on behalf of the petitioner shall be adverted to and reason shall be assigned in support of such order. The order so passed by the authority shall be made available to the petitioner forthwith.

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

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2022
Transmission Date	

