

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1367 of 2022

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Santosh Kumar Singh, male, aged about 33 years, son of Late Janardhan Singh, resident of Gram Panchayat Sukhrauli, PO Barauli, PS-Piro, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Patna.
2. The Divisional Commissioner, Bhojpur.
3. The District Magistrate, Bhojpur.
4. The Sub Divisional Officer, Piro (Bhojpur).
5. The Block Supply Officer, Piro.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manini Jaiswal, Advocate.
For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 11-12-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

“(i) For quashing the order contained in order dated 09.02.2021, issued under the signature of respondent District Magistrate, whereby and whereunder the order vide memo no. 266 dated 25.06.2018 has been upheld.

(ii) For quashing the order vide memo No. 266 dated 25.06.2018 issued under Signature of Respondent Sub-Divisional Officer whereby and whereunder the license No. 108 of 2016 of the petitioner under Public Distribution System is cancelled in the most arbitrary manner.



(iii) For quashing the notice contained in memo no. 616 dated 13.12.2017 and memo no. 75 dated 28.02.2018 issued under the signature of respondent Sub-Divisional Officer, Piro (Bhojpur), whereby and whereunder the petitioner was directed to file show cause as to why an appropriate action may not be taken against the petitioner which is contrary to Section 27(2) of Bihar Targeted Public Distribution System (Control) Order 2016.

(iv) For direction upon the respondent authorities to restore the license of the petitioner forthwith.”

3. Learned counsel for the petitioner has stated that the impugned order dated 09.02.2021 passed by the District Magistrate, Bhojpur, Order dated 25.06.2018 and order dated 13.12.2017 passed by the Sub-Divisional Officer, Piro (Bhojpur) are passed without any application of mind and the same has been passed in a mechanical manner. It is stated that the license of the petitioner has been cancelled solely on the ground that the father of the petitioner, who was the licensee holder, has not filed his explanation to the show cause notice. Further it is stated by the counsel for the petitioner that as on the date of inspection, the shop of the licensee was closed, therefore, the question of any violation by the licensee holder does not arise. Learned counsel has relied on the judgement of the Division



Bench reported in *LPA No. 861 of 2004 dated 06.09.2004* to buttress his contention.

4. The learned counsel appearing on behalf of the respondent has fairly stated that an opportunity may be given to the petitioner to submit his explanation to show cause notice and necessary orders passed on merits.

5. This Court in the above referred judgemnet has held that even in the absence of any explanation by the licensee holder to the show cause notice, the authority is expected to pass a reasoned order on the merits of the case. However, in this particular case, as seen from the impugned order, no reasons have been given, except stating that the licensee holder has not filed his explanation no other reason is given. Therefore, on this ground alone, the impugned order is liable to be set aside and the impugned order is accordingly set aside. The matter is remanded back to the authority concerned for passing orders afresh.

6. The petitioner shall be given an opportunity of filing his explanation to the show cause notice by giving him reasonable time. On receipt of the said explanation, the authority concerned shall pass a reasoned order in accordance with law. The entire exercise shall be completed within a period



of eight weeks from the date of the receipt of the copy of this order. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the parties.

7. With the above direction, the writ petition stands disposed off to the extent indicated above.

(A. Abhishek Reddy , J)

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