

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15259 of 2017

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Muneshwar Yadav, S/o Binod Yadav, Resident of Village- Morma, Gram Panchayat- Morma, P. S. Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna
2. The Divisional Commissioner, Munger.
3. The District Magistrate-cum-Collector, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai.
5. The Block Supply Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari- Advocate Mr. Kumar Rajdeep- Advocate
For the State	:	Mr. Upendra Pratap Singh-AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 02-01-2023 Heard, Mr. Dhananjaya Nath Tiwari, learned Advocate for the petitioner and Mr. Upendra Pratap Singh, for the State.

The license of the petitioner has been cancelled, which order has been sustained by the Appellate as well as Revisional Authority.

Mr. Tiwari, however, has pointed out that the first order of cancellation passed by the licensing authority does not state any reason whatsoever for rejecting the reply of

the petitioner with respect to the charges. He, therefore, submits that the order therefore is non-speaking and such defect in the order cannot be restituted in appeal or in revision.

We find that except for holding the reply of the petitioner to be unsatisfactory without giving any reason for coming to the said conclusion, the license of the petitioner has been cancelled.

We cannot sustain such non-speaking order.

For the afore-noted reason, the order cancelling the license of the petitioner by the licensing authority and the orders of affirmation by the appellate as well as the revisional authority, are all set aside.

The matter is remitted to the licensing authority for passing a fresh order in accordance with law within a period of 60 days from the date of receipt/ production of a copy of this order.

While doing so, the licensing authority shall consider the feasibility of serving a fresh notice on the petitioner and seeking his reply.

The order so passed, would be only after advertizing

to the reasons given by the petitioner and giving reasons for his conclusions.

With the afore-noted directions, the writ petition is allowed.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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