

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5703 of 2021

Umesh Thakur son of Doman Thakur, Resident of Village- Dongila, Village Panchayat- Banke Bazar, Police Station- Raushanganj/Banke Bazar, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna
2. The District Magistrate, Gaya
3. The Sub-Divisional Officer, Sherghati, Gaya
4. The Block Supply Officer, Banke Bazar, District- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the Respondent/s : Mr. Upendra Pratap Singh

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 03-01-2023 Heard Mr. Binay Kumar, the learned Advocate

for the petitioner and Mr. Upendra Pratap Singh, the

learned counsel for the State.

The license of the petitioner was suspended vide order dated 20.04.2020 and an explanation was asked for from the petitioner. Barely, seven days after, the license of the petitioner has been cancelled on the plea that the notice to the petitioner was not replied by him.

The learned counsel for the petitioner has made a



specific statement in the writ petition that no notice was ever served upon him.

This contention gets buttressed by the fact that within seven days, the order of cancellation of his license has been passed.

We are of the view that the petitioner must get an opportunity of explaining his cause before his license is cancelled.

For the afore-noted reason, we set aside the order of cancellation of license dated 27.04.2020. The order of suspension of license shall, but remain inviolate.

The matter is remitted to the Licensing Authority, who shall issue fresh notice to the petitioner within a period of 15 days from the date of receipt / production of a copy of this order, giving reasonable time to the petitioner to represent his cause.

The petitioner shall reply to the said show cause notice within 30 days of the receipt of the notice.

Thereafter, the Licensing Authority shall, after advertizing to the reply of the petitioner, pass a reasoned



order within further period of 60 days.

With the afore-noted direction / observation, the
writ petition stands disposed of.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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