

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5242 of 2023

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Garjan Yadav Son of Balkrishna Yadav, Resident of Betiya, Mirja Tola,
Bettiah, P.S.- Lauriya, Dist.- West Champaran Bettiah, Bihar- 845438

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
3. The Divisional Commissioner, Muzaffarpur.
4. The District Magistrate, West Champaran, Bettiah.
5. The Additional District Magistrate, West Champaran.
6. The Sub Divisional Officer, Narkatiyaganj, West Champaran Bettiah.
7. The Block Supply Officer, Lauria West Champaran Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Mishra, Adv. Mr. Ankita Kumari, Adv. Miss. Ankita Kumari, Adv.
For the State	:	Mr. U.P. Singh, AC to SC-4

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

9 19-09-2023 The present writ petition is filed for the following
relief:-

*"(i) For quashing the order dated
31.08.2019 passed by the respondent Sub
Divisional Officer Narkatiyaganj whereby and
where under the license no 39 of 2016 of the
petitioner under Public Distribution System has
been cancelled in the most arbitrary manner.*

*(ii) For quashing the order dated
5.12.2022 passed in CRM no. 369/2019-20
passed by the respondent Additional District
Magistrate West Champaran Bettiah by which*



the appeal preferred by the petitioner has been rejected.

(iii) For direction upon the respondent authorities to restore the license of the petitioner forthwith."

2. Learned counsel appearing on behalf of the petitioner has stated that the authority concerned without going through the explanation submitted by the petitioner to the show cause notice has passed the order in a pedantic and mechanical manner. Learned counsel has stated that the petitioner has submitted affidavits of seven beneficiaries along with his explanation, but the authority concerned without adverting to the same has passed the order cancelling the license of the petitioner. The authority except stating that the explanation submitted by the petitioner is not satisfactory, has not given any other reason for cancelling the license. Even the order of the Appellate Authority is also not based on the merits of the case, but passed in a pedantic manner. Learned counsel has, therefore, prayed this Hon'ble Court to allow the writ petition and set aside the impugned orders and remand the matter back to the authority concerned.

3. Per contra, the learned counsel for the respondents has vehemently opposed the very maintainability of the present



writ petition and stated that the authority concerned duly taking into consideration the explanation submitted by the petitioner has passed the order. Learned counsel has stated that the authorities have followed the procedure as prescribed by under the control order and passed reasoned orders and, therefore, there is no violation of the provisions of the Act. Further, it is stated by the counsel that the petitioner has an alternative and efficacious remedy of filing a revision against the orders of the Appellate Authority but the petitioner has straightly approached this Court by surpassing the statutory remedy and the same is not permissible. Learned counsel has prayed for dismissal of the C.W.J.C.

4. A perusal of the order passed by the Sub Divisional Officer reveals that except stating that the explanation submitted by the petitioner is not satisfactory, no other reasons are given by the said authority.

5. This Court as well as the Apex Court, on number of occasions, have held that any authority/Court/quasi judicial authority have to necessarily give reasoning in the order passed by them. Unless reasoning is given in the order, neither the party nor Courts before whom the order is challenged will be in a position to appreciate as to what has weighed with the said



authority either for dismissing or allowing the application of the petitioner. Though the quasi judicial or administrative authority are not obligated to give a lengthy or elaborate reasoning as in the case of Judicial order, yet they are expected to give a reasoned order which should be precise, concisely setting out the reason for allowing or dismissing the contention/application/case.

6. In ***Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs. Shukla and Brother¹***, reported in (2010) 4 SCC, 785, the Hon'ble Supreme Court has held as under:

".... while exercising the power of judicial review on administrative action and more particularly the judgment of courts in appeal before the higher court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard. Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order....

.....A litigant who approaches the court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer.



Reasons are the soul of orders. Non-recording or reasons could lead to dual infirmities; firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant."

7. Further as seen from the record, the petitioner has submitted the sworn affidavits of the seven beneficiaries, who have stated that they have received the full ration and they do not have any grievance against the petitioner but the Sub Divisional Officer has not adverted to the said affidavits.

8. Having regard to the above mentioned facts and circumstances, the writ petition is allowed and the impugned order is set aside. The matter is remanded back to the Sub Divisional Officer concerned for passing orders afresh.

9. It is needless to mention that before passing the orders, the Sub Divisional Officer shall consider the explanation and the material submitted by the petitioner and pass a reasoned order. It is also clarified that before passing any order, the petitioner shall be given an opportunity of hearing. The entire



exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of the receipt of the copy of this order. Any order passed shall be communicated to the parties.

(A. Abhishek Reddy , J)

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