

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4729 of 2020

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Ramdeo Sada @ Ramdev Sada, S/o Late Fagu Sada, Resident of village -
Kharra, Gram Panchayat- Kathdumar, P.S.- Simri Bakhtiyarpur, District-
Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Consumer Protection
Department, Old Secretariat, Patna.
2. The SDO, Simri Bakhtiyarpur, Saharsa.
3. Block Supply Officer, Simri Bakhtiyarpur, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Respondent/s : Mr. Alok Ranjan (Ac to Sc4)

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 16-01-2023 Heard the learned counsel for the parties.

The license of the petitioner was cancelled *vide*

order dated 05.10.2017.

Against the aforesaid order, the petitioner had

approached this Court *vide* C.W.J.C. No. 525 of 2018,

which was disposed of on 30.03.2018 directing the

petitioner to avail of the statutory remedy of preferring

an appeal.

Consequent thereto, the petitioner preferred an



appeal which too has been rejected.

The learned counsel for the petitioner has submitted that from the perusal of the order of cancellation of license by the Licensing Authority, it would appear that no ground at all has been given for rejecting the reply of the petitioner.

All that has been said by the Licensing Authority is that the reply is far from truth.

This would not give any insight to the petitioner or to anybody to question such order before the Appellate Authority.

No doubt, the order passed in appeal does prescribe reasons for upholding the order passed by the Licensing Authority but as we have already held in several orders that an appellate order cannot reconstitute the original order so far as reasons are concerned, we are not persuaded to sustain either the original or the appellate order.

Both the orders are, therefore, set aside.



The matter is remitted to the Licensing Authority, who after adverting to the reply filed by the petitioner, shall pass 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.

The order so passed by the Licensing Authority shall contain reasons in support of the decision taken by him and shall be made available to the petitioner forthwith.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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