

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7375 of 2016

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Sahmad Hussain Son of Late Ram Jan Mian, resident of Village and Police Station- Ander, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate, Siwan.
5. The Sub Divisional Officer, Siwan.
6. The Block Supply Officer, Ander, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha, Adv. Mr. Abhishek Raj, Adv.
For the Respondent/s	:	Mr. S.D. Yadav, AAG-9 Mr. Barj Bhushan Mishra, AC to AAG-9

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

4 27-07-2023 The present writ petition is filed for following
reliefs:-

"That the Petitioner in the instant writ application prays for quashing of the order Contained in Memo No. 279 dated 10.12.11 passed by Sub Divisional Officer, Siwan, order dated 22.02.2023 passed in Civil Supply Appeal No. 65/11-12 and Order dated 01.08.15 passed in Supply Revision No. 128/2013 under which illegal cancellation Order of the PDS License had been wrongly affirmed by the Appellate and Revisional Authority."



2. A perusal of the impugned order shows that the primary authority has not taken into consideration the reply filed by the petitioner to the show-cause notice and also the documents which were annexed by the petitioner. The primary authority has simply stated that the reply given by the petitioner is not satisfactory and except that no other reasons are given. This Court as well as the Hon'ble Supreme Court in a catena of cases has held that unless and until reasons are given by the authority concerned, the higher courts cannot fathom the order passed.

3. Therefore, without going into the merits and demerits of the case, the impugned orders are set aside and the matter is remanded back to the respondent No. 5 for passing orders afresh duly taking into consideration the reply given by the petitioner and also the documents filed by the petitioner. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. The entire exercise is directed to be completed within a period of four weeks.

4. Learned counsel for the petitioner stated that the condition of the petitioner is pathetic and he may be permitted to make a representation to the authorities concerned for



restoration of the license. If any such representation is made, the authorities shall consider the same on its own merit.

With the above said observations, this writ petition is disposed of.

(A. Abhishek Reddy , J)

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