

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9524 of 2022

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Md. Moajjam Alias Md. Moajjam Ansari Son of Md. Masnun, Resident of
Village- Chakhamid, P.S. Bakhari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Begusarai.
3. The Sub-Divisional Officer, Bakhari, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Labh, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad (Aag5)

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

- 3 04-12-2023 Learned counsel for the petitioner has stated that the authority concerned without considering the explanation submitted by the petitioner has cancelled the license of the petitioner in a mechanical manner. Learned counsel has stated that absolutely no reasons has been given by the authority concerned while cancelling the order or advertng to the explanation submitted by the petitioner. That the non-consideration of the explanation submitted by the petitioner is violation of the principles of natural justice and equity and prays this hon'ble Court to set aside the impugned order and remand back the matter to the authority concerned for passing orders afresh duly taking into consideration the explanation submitted by the petitioner.



2. Per contra, the learned counsel appearing on behalf of the respondent has vehemently opposed the very maintainability of the writ petition and stated that the present writ petition is not maintainable and the petitioner is having an alternative and efficacious remedy of filing an appeal before the District Magistrate. That the petitioner without exhausting the said remedy has approached this hon'ble Court and prayed for dismissal of the present C.W.J.C.

3. A perusal of the impugned order shows that the license of the petitioner was cancelled by the authority concerned after issuance of a show cause notice. Admittedly, the petitioner has submitted the explanation to the show cause notice but in the impugned order, the authority concerned has not adverted to the same. Moreover the order is not a reasoned order.

4. Having regard to the above said submissions, the impugned order is set aside and the matter is remanded back to the authority concerned for passing reasoned order afresh. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be



communicated to the party.

5. With the above observations, the present writ
petition stands disposed of.

(A. Abhishek Reddy , J)

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