

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9562 of 2022

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Hareram Mukhiya Son of Jageshwar Mukhiya, Resident of Village-Bilanth,
P.O. and P.S.-Kusheshwar Asthan, Ward No. 12, Bisharia, District-Darbhangha,
Pin Code-848213.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Licensing Officer-cum-Sub-Divisional Officer, Biraul, Darbhanga.
5. The District Supply Officer, Darbhanga.
6. The Block Supply Officer, Kusheshwar Asthan, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary, Adv.
For the Respondent/s : Mr. Vijay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-01-2023

Heard Mr. Kaushalesh Choudhary, learned advocate
for the petitioner and Mr. Vijay Kumar Sinha for the State.

With respect to complaints against the working of the
PDS shop of the petitioner, he was issued notice on
24.04.2020, giving him three days' time to explain the charge
against him in the notice. Shortly thereafter, on 26.04.2020,
another notice was issued to him on separate charges.



The notices, referred to above, were substantially different in contents, leaving the petitioner completely flummoxed as to which charge was required to be responded to.

Before he could respond to the notices, though only three days' time in both the notices were given to him, an enquiry was conducted which disclosed that lesser quantity of food-grains were given to the beneficiaries; bigger price was demanded from them and, for the last four months, there was no supply of kerosene oil to the beneficiaries.

Basing his opinion on the said report, in the absence of any explanation of the petitioner, by the impugned order, the Licensing Authority has cancelled the license of the petitioner.

Mr. Choudhary submits that none of these grounds were specifically dealt with in the notice. Even otherwise, he submits that he ought to be given one more opportunity to represent his cause.

For the aforementioned reason, we are not persuaded by Mr. Vijay Kumar Sinha, learned counsel for the State to sustain the order impugned.



The order is set aside.

The matter is remitted to the Licensing Authority who shall issue a 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 respond to such notice.

The petitioner shall respond to such notice within 30 days of his receipt of the notice and adverting to the reply and all other necessary facts, the Licensing Authority shall pass a final order within a further period of 60 days thereafter.

We need not remind the Licensing Authority that he is required to pass a reasoned order.

For the same reason, we set aside the order passed in appeal as well.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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