

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8304 of 2023

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Rupesh Ranjan S/O Late Prem Kumar, Sidabad Raghapur, P.O- Mohanpur,
P.S.- Raghapur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Food and Civil Supply Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply, Bihar, Patna.
3. The District Magistrate, Vaishali.
4. The District Supply Officer, Vaishali.
5. The Sub-divisional Officer, Hajipur, Vaishali.
6. The Block Supply Officer, Raghapur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. Arvind Kumar, (SC-4)

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

3 12-10-2023 The present writ petition is filed for the following
relief(s):-

“(i) For quashing the order dated 04.07.2020 as contained in Memo No. 390 dated 04.07.2020 passed in supply case no. 61/2020, issued and passed by the Sub Divisional Officer, Hajipur, whereby and where under the learned Sub Divisional Officer, Hajipur, has cancelled the Fair Price Shop of the father of the petitioner under Public Distribution System bearing License No. 22/16.

(ii) For directing the commanding the respondents to restore the PDS license



and supply to the Fair Price Shop of the father of the petitioner under Public Distribution System bearing License No. 22/16, after considering the case of the petitioner for grant of PDS shop license to the petitioner on compassionate ground (substituting the name of the petitioner) who is the son of the Late Prem Kumar (original licensee), who unfortunately died on 20.12.2020, after quashing the letter no. 65 dated 15.03.2022 issued by BSO Raghapur.

(iii) For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

2. Learned counsel for the petitioner has stated that the impugned order dated 04.07.2020 passed by the Sub Divisional Officer, is passed without any application of mind and the same has been passed in a mechanical manner. It is stated that the license of the petitioner has been cancelled solely on the ground that the father of the petitioner, who was the licensee holder, has not filed his explanation to the show cause notice. Further it is stated by the counsel for the petitioner that as on the date of inspection, the shop of the licensee was closed, therefore, the question of any violation by the licensee holder does not arise. Learned counsel has relied on the judgment of the Division Bench reported in ***L.P.A. No. 861 of 2004 dated***



06.09.2004 to buttress his contention.

3. The learned counsel appearing on behalf of the respondent has fairly stated that an opportunity may be given to the petitioner to submit his explanation to the show cause notice and necessary orders passed on merits.

4. This court in the above referred judgment has held that even in the absence of any explanation by the licensee holder to the show cause notice, the authority is expected to pass a reasoned order on the merits of the case. However in this particular case, as seen from the impugned order, no reasons have been given, except stating that the licensee holder has not filed his explanation no other reason is given. Therefore, on his ground alone, the impugned order is liable to be set aside and the impugned order is accordingly set aside. The matter is remanded back to the authority concerned for passing orders afresh.

5. The petitioner shall be given an opportunity of filing his explanation to the show cause notice by giving him reasonable time. On receipt of the said explanation, the authority concerned shall pass a reasoned order in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of the receipt of the copy of this



order. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the parties.

6. With the above direction, the writ petition stands disposed off.

(A. Abhishek Reddy , J)

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