

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12093 of 2022

=====

Gopal Prasad Singh Son of Late Vaneshwar Singh, resident of Village -
Baheri, P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The District Supply Officer, Gaya.
5. The Sub-Divisional Officer, Sherghati, District - Gaya.
6. The Block Supply Officer, Gurua, Sherghati, District - Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sudama Singh, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh

=====

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 17-01-2023 Heard Mr. Sudama Singh, the learned Advocate

for the petitioner and Mr. Upendra Pratap Singh, the learned

Advocate for the State.

The license of the petitioner has been cancelled

vide order dated 09.07.2022.

It has been pointed out to us that a notice was

issued to the petitioner on 07.07.2022 giving him 24 hours

window to explain his cause. Precisely for this reason, no



reply could be filed by the petitioner.

However, curiously, the Licensing Authority has recorded in the order impugned that the explanation offered by the petitioner was not found to be satisfactory and he proceeded to cancel the license of the petitioner.

The learned counsel for the petitioner has stated that sometimes earlier in the month of May, a similar notice was issued to him to which he had replied. That proceeding was never concluded and it appears to the petitioner that the reply preferred on the earlier occasion was treated as the reply in the present notice dated 07.07.2022, and the order of cancellation of license has been passed.

Without commenting anything on the manner in which the proceeding has been concluded, we are of the view that the petitioner ought to get a fresh opportunity of explaining his cause.

For the aforementioned reasons, we set aside the order of cancellation of license and remit the matter to the Licensing Authority for giving an opportunity to the petitioner to explain his cause against the notice served upon him on



07.07.2022.

For the aforementioned purpose, the petitioner shall be given clear 15 days.

On receipt of the reply against such notice, the Licensing Authority shall pass a reasoned order within a further period of 60 days, which shall be communicated to the petitioner, forthwith.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

sharun/sunil-

U			
---	--	--	--

