

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12357 of 2022

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Kanti Devi @ Musmat Kanti Devi W/o Late Hari Baitha, Resident of Village-Simra, P.S.-Piar, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Sub-divisional Officer, East Muzaffarpur.
4. The Block Supply Officer, Bandra, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Arvind Ujjwal (Sc 4)

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

Date : 15-12-2023

Heard learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s):-

“That this writ petition is being filed on behalf of the petitioner for quashing the order contained in Memo No. 789 dated 07.07.2022 passed by which the PDS license of the petitioner being License No. 23-03-02-05 of 2016 has been cancelled and further be please to restore the PDS license and supply of the petitioner”

3. Learned counsel appearing on behalf of the petitioner has stated that Sub-Divisional Officer, Muzaffarpur, vide



order dated 07.07.2022 has cancelled the licence of the petitioner only on the ground that the petitioner has not submitted his explanation to the show cause notice. That the Sub-Divisional Officer did not pass the order on merits of the case and passed the order in a mechanical manner.

4. Learned counsel appearing on behalf of the petitioner has stated that the matter is fairly contended by the order of a Division Bench of this Hon'ble Court passed in L.P.A. No. 861 of 2004 dated 06.09.2004, wherein this Hon'ble Court has held that even if the licence holder does not file any explanation to the Show Cause Notice, the Authority concerned are legally bound to pass the orders on merits. Therefore, the learned counsel seeks the indulgence of this Court to set aside the impugned orders and remand the matter back to the authority concerned for passing orders afresh on merits.

5. Per contra, the learned the learned counsel appearing on behalf of the respondents while conceding to the Judgment of this Hon'ble Court referred above has stated that he has no objection for setting aside the impugned orders and remand the matter back to the authority concerned for passing orders afresh.

6. Having regard to the above made submissions and



also the law laid down in LPA No. 861 of 2004 dated 06.09.2004, the impugned order dated 07.07.2022 is set aside and the matter is remanded back to the Sub-Divisional Officer, Muzaffarpur, (Respondent No. 3) for passing a reasoned order afresh strictly on merits. The authority concerned shall give an opportunity to the petitioner to file his explanation and then pass the order duly taking into consideration the explanation submitted by the petitioner.

7. 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 as expeditiously as possibly preferably 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.

8. With the above directions, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

Gauravkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.12.2023
Transmission Date	N/A

