

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12907 of 2022

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Md. Rashid Husain Son of Akhtar Husain, Resident of Village - Tektar, P.S.-
Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Darbhanga.
3. The Licensing Authority-Cum-Sub-Divisional Officer, Sadar, Darbhanga, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Rajeev Kumar Labh, Adv. Mr. Alok Ranjan, Adv.
For the State	:	Mr. U.P. Singh, Adv.

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

3 04-12-2023

I.A. No. 1 of 2022 is refused

Learned counsel appearing on behalf of the petitioner has stated that the authority concerned without considering the explanation submitted to the show cause notice has passed the order in a mechanical manner. Learned counsel has further stated that the impugned order which is passed by the Sub Divisional Officer is bereft of any reasons and, therefore, prayed this hon'ble Court to set aside the matter and remand the matter back 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 respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner has an alternative and efficacious remedy of filing an appeal before the District Magistrate and prayed this hon'ble Court to dismiss the present writ petition.

3. A perusal of the impugned order passed by the authority concerned shows that the explanation submitted by the petitioner has not been considered and no reasons have been given by the authority concerned. This Court in a catena of cases has time and again held that the authorities concerned shall give reasons while passing any order. Once it is found that the order passed is bereft of reasons the said order has to be necessarily set aside and the same is accordingly set aside. The matter is remanded back to the authority concerned for passing orders afresh giving reasons and taking into consideration the explanation submitted by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of 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 party.

4. With the above observations, the present writ



petition stands disposed off.

(A. Abhishek Reddy , J)

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