

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15162 of 2022

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Rajmani Prasad S/o Ganga Prasad R/o Village- Nayka Gaon, Khilanganj, P.S.-
Sasaram Town, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate Cum Collector, Rohtas at Sasaram.
3. The Sub-Divisional Officer Cum Licensing Authority, Rohtas at Sasaram.
4. The District Supply Officer, Rohtas at Sasaram.
5. The Block Supply Inspector, Nagar Parishad, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc 4)

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

4 05-12-2023 Heard the learned counsels for the parties.

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

I. For quashing the order passed vide memo No. 248 dated 26.2.2021 passed by the respondent No. 3 by which PDS License of the petitioner for ward No. 31 License No. 52 of 2007 has been cancelled.

II. For quashing the appellate order dated 2.8.2022 passed by the Respondent No. 2 which the appeal filed by the petitioner against the cancellation order has been dismissed in mechanical manner.



3. Learned counsel for the petitioner has stated that against the order of cancellation, the petitioner has preferred an appeal before the District magistrate with the delay that the petitioner has filed a condoned delay petition along with the appeal showing the reasons for the delay. However, the appellate authority without advertent to the condoned delay petition has mechanically passed the order in a cryptic manner without giving any reasons for dismissing on the grounds of laches.

4. Learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition and stated that the petitioner has an alternative efficacious remedy of filing a revision before the concerned authority and, therefore, prayed this hon'ble Court to dismiss the present writ petition.

5. A perusal of the impugned order passed by the District Magistrate which is impugned in the present writ petition shows that the authority while considering the application made by the petitioner for condoning the delay has not given any reasons for rejecting the appeal except stating that the appeal is filed beyond a period of one year no other reason is given. This court as well as the Hon'ble Supreme



Court in a catena of cases has held that the quasi-judicial authorities are obligated to pass a reasoned order giving the reasons either rejecting or accepting the application made by the petitioner. Unless and until reasons are given, the superior courts or the authority cannot appreciate the reason for either rejecting or allowing the particular application.

6. Having regard to the above made submissions, the writ petition is allowed, the impugned order is set aside and the matter is remanded back to the appellate authority for passing a reasoned order on the condonation application and then pass an order on merits on the main appeal. Before passing any order, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the parties.

(A. Abhishek Reddy , J)

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