

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15211 of 2022

Umendra Kumar Son of Late Ramswaroop Singh resident of village Alampur
(Tedhipul), P.S. Didarganj, District Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Patna City.
4. The Block Supply Officer, Alauli, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Adv.

Mr. Ashok Kumar Mishra, Adv.

For the Respondent/s : Mr. Vijay Kumar Sinha, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 24-01-2023

Heard Mr. Jitendra Singh, the learned Senior Advocate
for the petitioner and Mr. Vijay Kumar Sinha for the State.

The shop of the petitioner was found closed on a solitary day for which he was slapped with a notice to explain the reason. No permission from the Licensing Authority appeared to have been taken and the display board was also not found outside the shop. The petitioner was also asked to explain the reasons for distributing food-grains beyond the list of targeted beneficiaries.



The petitioner replied to such notice but the Licensing Authority, the petitioner grieves, has not adverted to the grounds and has, in a hackneyed manner, cancelled the license of the petitioner.

The appellate order affirming the order of the Licensing Authority suffers from the same vice.

Mr. Singh contends that grounds nos.1 and 2 in the notice are one and same as the shop was found closed and therefore the display board would not have been there. This therefore, is not a breach of that kind which would entail cancellation of his license. Reasons were accorded by the petitioner explaining the emergent situation under which he had to close the shop for a day.

Mr. Singh further contends that for finding the shop of the petitioner to be closed only for a day, such an action ought not to have been taken.

The rest of the charges are imaginary, for which the petitioner was never afforded any evidence for him to effectively explain such charge.



On these grounds, it has been urged on behalf of the petitioner, that both the orders are not fit to be sustained in the eyes of law.

There is some force in the submission of the petitioner.

For the reasons noted above, both the orders dated 06.09.2021 and 17.08.2022, passed by the Licensing Authority and the Appellate Authority respectively are set aside and the matter is remitted to the Licensing Authority to pass a fresh order, in accordance with law, giving reasons in support of the conclusions within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforementioned observation/direction, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Rishi2/rishi-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2023
Transmission Date	

