

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23051 of 2018

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Lal Babu Rai, Son of Late Ram Daun Rai, Resident of Village- Dharampur
Ram Rai, P.S.- Desari, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old Secretariat Patna.
2. The Collector, Vaishali.
3. The S.D.O. Mahnar, Vaishali.
4. The Block Supply Officer, Desari, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Vijay Anand, Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG-5

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

5 03-01-2023 Heard Mr. N. K. Agarwal, the learned Senior

Advocate for the petitioner and Mr. Alok Ranjan, learned

A.C. to A.A.G.-5 for the State.

The petitioner is aggrieved by the order passed by
the licensing authority cancelling his licence on the ground
that the reply filed by him against the show-cause notice is
not satisfactory.

Mr. N. K. Agarwal grieves that no reason has been
assigned by the licensing authority for holding the reply of



the petitioner to be unsatisfactory. In such a situation, it would be impossible for the petitioner to even file an appeal against the aforesaid order.

Hence the present petition.

It has further been submitted on behalf of the petitioner that one of the reasons which appear to have weighed with the licensing authority is that the petitioner was made accused in a criminal case but as on date, the criminal proceeding against him stand quashed.

Be that as it may, considering the submission of the petitioner that no reason has been assigned for rejecting the reply of the petitioner, we find the order impugned to be unsustainable in the eyes of law.

For the afore-noted reason, the order of cancellation of licence dated 31.10.2012 is set aside.

The matter is remitted to the licensing authority to pass a fresh order in accordance with law after providing sufficient opportunity to the petitioner to present his cause and after adverting to the reply given by the petitioner, the licensing authority shall pass a final order, giving reasons in support of the same.



The order shall be passed within a period of 60 days, to be counted from the date of receipt/production of a copy of this order.

The writ petition stands allowed and disposed off.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Sunil/Rishi/-

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