

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19388 of 2019

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Ganauri Manjhi son of Heto Manjhi Resident of Village- Ramkishun Bigha,
Village Panchayat- Jamuawan, Police Station- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub- Divisional Officer, Sadar Gaya, District- Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Wazirganj, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Respondent/s : Mr. Alok Ranjan (Ag to Sc 4)

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 12-01-2023 Heard Mr. Binay Kumar, the learned counsel for

the petitioner and Mr. Alok Ranjan, the learned counsel for

the State.

The license of the petitioner has been cancelled

straightaway after he was made an accused in a criminal

case involving breach of provisions of E.C. Act, 1955.

Though the order impugned indicates that notice

was attempted to be served upon the petitioner which he



refused to accept but the learned counsel for the petitioner insists that he was never informed about any proceeding having been initiated for cancellation of his license or else he would not have avoided to accept the notice.

In any view of the matter, the learned counsel for the petitioner has submitted that even if it is believed that the Licensing Authority had attempted to have the petitioner served through the office of Block Development Officer but since there is nothing on record to indicate by what mode such notice was attempted to be served on the petitioner, such accusation cannot be believed. He further submits that there is also nothing on record to indicate that the petitioner had refused to accept such notice.

Normally, when there is a refusal to accept notice, the process server affixes a copy of the notice on conspicuous portion of the house of the noticee and obtains its photographs and also takes the statement of a witnesses in support of the afore-noted fact.

That not having been done or brought on record, the learned counsel for the petitioner submits that the



order of cancellation is without any notice to him and the accusation of his having refused to accept the notice is incorrect.

It would not be an appropriate forum to decide the correctness of the assertion of the petitioner that he was never served with the notice.

However, we are of the view that before the license is cancelled, an opportunity must be given to the licensee to explain his cause. For any reason, even if the charge of the Licensing Authority that the petitioner refused to accept notice is accepted to be correct, we would like to ensure that before the license is cancelled, an opportunity must be given to the petitioner to explain his cause.

Now that the petitioner has moved this Court, we deem it appropriate to direct him to approach the Licensing Authority with a copy of this order when the Licensing Authority shall afford to him a copy of the notice indicating the charges against him.

This shall be done within a period of 15 days of



the receipt/production of a copy of this order.

Thereafter, the petitioner would be permitted to file his reply within next 30 days and thereafter a decision shall be taken by the Licensing Authority, giving reasons in support of his conclusions within the next 60 days.

The order so passed by the Licensing Authority shall be made available to the petitioner forthwith.

The petition stands allowed accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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