

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19546 of 2019

=====

Arun Chaudhary S/O Girija Chaudhary, resident of village- Shahar Telpa, P.s.
Karpi (Shaha Telpa O.P.) District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Arwal.
3. The District Supply Officer, Arwal.
4. The Sub- Divisional Officer, Arwal.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Labh, Adv. Mr. Ajay Kumar, Adv.
For the Respondent/s	:	Mr. Anisul Haque.

=====

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 10-01-2023 Heard Mr. Rajeev Kumar Labh, the learned

counsel for the petitioner and Mr. Anisul Haque, the learned

counsel for the State.

The license of the petitioner has been cancelled

which order has been affirmed by the Appellate Authority.

While challenging the aforementioned orders, Mr.

Labh, the learned counsel for the petitioner has shown to

this court that though the original order of cancellation of

license runs in around three pages but the licensing authority



has only recounted the grounds raised by the petitioner and has disposed of those grounds in one line that those are unsatisfactory.

What is the reason for the Licensing Authority to hold such grounds to be unsatisfactory has not been stated.

We do not get any idea from such order as to whether the petitioner was entitled to be retained as a licensee or that the order of cancellation of license was correct on the prevalent set of facts.

Since the defect in the original order cannot be restituted in an appeal for the reasons that the petitioner would not know in his capacity as appellant, what to challenge and on what grounds, the provision of appeal becomes rather otiose.

There is force in the submission of the counsel for the petitioner.

For the reason of the original order being absolutely non-speaking, we are not persuaded by Mr. Anisul Haque, the learned counsel for the State to sustain the aforesaid order.



For the aforesaid reason, the original order as well as the appellate are set aside.

The matter is remanded to the Licensing Officer to write out a fresh order in accordance with law after affording reasonable opportunity to the petitioner to present his cause.

The entire exercise shall be completed within a period of sixty days from the date of receipt/production of a copy of this order.

Needless to state that the order so passed by the Licensing Officer must be a reasoned one and the same shall be communicated to the petitioner forthwith.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

sunilkumar/-

U			
---	--	--	--

