

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3508 of 2020

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Dinesh Chaudhari, Son of Chotan Chaudhari, Resident of Village- Masaurha,
P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Nawada.
4. The Sub-Divisional Officer, Sadar, Nawada.
5. The Block Supply Officer, Nardiganj, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hansraj
For the Respondent/s : Mr. Upendra Pratap Singh

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 12-01-2023 Heard Mr. Hansraj, the learned Advocate for the

petitioner and Upendra Pratap Singh, the learned counsel for

the State.

Though, the order of cancellation of license of the

petitioner has been affirmed in appeal and revision but it

appears that the original order of cancellation of license does



not assign any reason for such decision. Though, reasoning has been given in the appellate as well as revisional orders for affirming the original order of cancellation of license, but as we have been reiterating that the appellate and the revisional orders cannot reconstitute the inconsistencies in the original order, such non-speaking original order cannot be sustained.

If the original order is non-speaking, it would be very difficult for a licensee to appeal against such order and in that case he would have to depend solely on the records of the case, of which the authorities are the custodian.

Keeping this in mind, the orders passed by the Licensing Authority cancelling the license of the petitioner and its affirmation by the Appellate as well the Revisional Authority, are set aside and the matter is remanded to the Licensing Authority to write out a fresh order in accordance with law within a period of 60 days from the date of receipt/production of a copy of this order, giving reasonable opportunity to the petitioner to present his case.

The order so passed by the Licensing Authority



shall contain reasons in support of the decision taken by him
and shall be made available to the petitioner forthwith.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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