

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25153 of 2019

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Rekha Devi Wife of Munna Das Resident of Village- Kasim Bagh, Police
Station- Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Supply, Govt. of Bihar,
Patna.
3. The District Magistrate, Bhagalpur.
4. The S.D.O. Sadar, Bhagalpur.
5. The District Supply Officer, Bhagalpur.
6. The Block Supply Officer, Jagdishpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Md. Najmul Hodda, Adv. Mr. Kumar Rajdeep, Adv.
For the State	:	Mr. Upendra Pratap Singh, AC to SC4

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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. N.K. Agarwal, learned senior Advocate

for the petitioner and Mr. Upendra Pratap Singh for the
State.

For the reason of the implication of the petitioner
in a criminal case involving breach of the provision of the
Essential Commodities Act, 1956, a notice was issued to
him to explain his cause or else the license would be
cancelled. Shortly, thereafter, his license was suspended



for a final order to be passed later. Thereafter, vide order dated 28.06.2021, the license of the petitioner has been cancelled.

The grievance of the petitioner is that, in the first instance, in the notice dated 25.06.2019, only the provision contained in Section 28 of the Control Order of 2016 has been quoted without requiring the petitioner to reply to the show-cause. Nonetheless, since he was intimated, he replied. However, while suspending and finally cancelling the license of the petitioner, none of the reasons given by the petitioner in response to the notice has been adverted to.

We are at a loss to understand as to how these orders can be sustained as speaking orders when while directing for suspension of the license and later, cancelling the license of the petitioner, there is no reference of any ground raised by the petitioner. In both the orders, only Section 28 of the Control Order, 2016 has been quoted in verbatim.



The orders are absolutely non-speaking, to say the least.

We cannot sustain such orders.

Both the orders viz. the order of suspension dated 25.06.2019 and the ultimate order of cancellation of the license dated 28.06.2021 are set aside.

The matter is remitted to the Licensing Authority to pass a fresh order in accordance with law, giving reasons for rejecting the explanation offered by the petitioner within a period of 60 days to be counted 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)

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AFR/NAFR	NAFR
CAV DATE	NA
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