

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4292 of 2020

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Brajesh Kumar Chaudhary @ Brajesh Chaudhary Son of Lakshman Chaudhary, Resident of Village- Makhdumpur, P.O. Gheghata, P.S. Mufasil (Chpara), and the District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Foods and Civil Supplies, Govt. of Bihar, New Secretariate, Baily Road, Patna.
2. The Divisional Commissioner, Saran at Chhapra.
3. The Collector-Cum-District Magistrate, Saran at Chhapra.
4. The Sub- Divisional Officer, Chhapra Sadar, Saran.
5. The District Supply Officer, Saran at Chhapra.
6. The Block Supply Officer, at Sadar Block, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha
For the Respondent/s : Mr. Mr. Alok Ranjan

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 12-01-2023 Heard Mr. S.S.P. Yadav, the learned advocate for

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

the State.

The license of the petitioner was cancelled *vide*
order dated 30.09.2015 by the Licensing Authority.

Though, the order does not contain any reason but
there is a justification for not providing reasons. The
petitioner did not file his show cause reply. The response to
the aforesaid charge is that he had been taken ill and



remained incapacitated continuously, which fact he has stated in his memo appeal but that has not been taken into account by the Appellate Authority as well.

The learned counsel for the petitioner has submitted that in any view of the matter, one opportunity ought to have been given to the petitioner to explain his cause before his license was finally cancelled.

Taking the statement of the petitioner that he was ill all this while to be correct, we are inclined to grant one more opportunity to the petitioner to explain his cause before the Licensing Authority.

For the afore-noted reason, we set aside the orders passed by the Licensing Authority as also the Appellate and the Revisional Authorities and remand the matter to the Licensing Authority, who shall permit the petitioner to file his show cause reply within a period of 30 days from the date of receipt / production of a copy of this order. Thereafter, on adverting to the reply filed by the petitioner, a final decision shall be taken by the Licensing Authority within a further period of 60 days, giving reasons in support of his



conclusions.

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

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

GauravSinha/-
Sunil Kumar

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