

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12138 of 2022

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Sachidanand Prasad @ Sachchidanand Prasad, aged about 63 years, Male, S/o Tatar Ram, Resident of Village - Hardia (Sector - C), P.S.- Rajauli, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Nawada.
3. The Sub-Divisional Officer, Rajauli, Nawada.
4. The Block Supply Officer, Rajauli, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.

For the Respondent/s : Mr.S. Raza Ahmad, AAG-5.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 07-02-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

“.....for quashing the order contained in Memo No. 70 dated 22.10.2019 passed by the learned Sub-Divisional Officer Rajauli, Nawada by which the PDS license of the petitioner being Licence No. 121/2017 has been cancelled and further be pleased to restore the license and supply of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner has stated that the impugned order dated 22.10.2019 passed by the Sub-Divisional Officer, Rajauli, Nawada is liable to be set aside on two grounds; (1) that absolutely no reasons



have been given in the impugned order for cancelling the licence of the petitioner and (2) that the notice of cancellation is not given to the petitioner. Learned counsel has relied on the orders of this Court in CWJC No. 8168 of 2023 dated 02.11.2023 and CWJC No. 10555 of 2023 dated 16.10.2023 to buttress his contentions.

4. Per contra, the learned counsel for the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner has an alternative and effective remedy of filing an appeal and that the petitioner may be directed to file an appeal before the appellate authority. However, when pointed by this Court, the learned counsel has fairly stated that the impugned order passed by the Sub-Divisional Officer does not contain any reasons for passing the said order. This Court in catena of cases has time and again held that quasi-judicial authorities while passing orders has to give reasons in support of the order passed.

5. Admittedly, in the present case no reasons have been given by the authority concerned. Moreover, in this particular case no prior notice of cancellation has been given to the petitioner. The said action is in violation of the principles of natural justice and equity.



6. Having regard to the above mentioned facts and circumstances, the impugned order dated 22.10.2019 in Memo No. 70 passed by the Sub-Divisional Officer, Rajauli, Nawada is set aside and the matter is remanded back to the authority concerned for issuing a fresh notice to the petitioner strictly in compliance of the provisions of ***Rule 27 (ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016*** and giving an opportunity to the petitioner to file his explanation by giving reasonable time. On such receipt of the explanation, the authority concerned shall pass the order giving the reasons in support of his order.

7. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

8. With the above directions, the present Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy , J)

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