

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14829 of 2023

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Rajesh Ram Son of Sukhal Ram, resident of Village Sonaul Sultan Gram
Panchayat Raj Kolhua Dhikhan Post Office and P.S. Sheohar District Sheohar
Mobile No. -7488701953.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Secretary Department of Food and Civil Supply, Government of Bihar,
Patna.
3. The Collector, Sheohar.
4. The Sub Divisional Officer, Sheohar.
5. The District Supply Officer, Sheohar.
6. The Block Supply Officer Purnahiya, Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc 4)

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

4 08-08-2024 Heard learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

*“That this is an application for
issuance of an appropriate writ/writs,
order/orders and direction/directions to quash
the order dated 19/09/19 contained in Memo
No. 267 passed by Sub Divisional Officer
Sheohar whereby and whereunder the License
No-19 of 2015 of the petitioner granted under
Public Distribution System (Control) Order,
2001 for running the Fair Price Shop has been
cancelled in very capricious manner and beyond*



the provisions of Control, order 2001. Petitioner filed appeal case No. 182 of 2019 and petitioner also having Learned D.M. Reject the Appeal of the petitioner thereafter P.D.S. Appeal No. 85/2022 Divisional Commissioner Tirhut Division Muzaffarpur was pleased to not consider the Case of Petitioner.”

3. Learned counsel appearing on behalf of the petitioner has stated that Sub-Divisional Officer, Sheohar, vide order dated 19.08.2019 has cancelled the licence of the petitioner only on the ground that the petitioner has not submitted his explanation to the show cause notice. That the Sub-Divisional Officer did not pass the order on merits of the case and passed the order in a mechanical manner.

4. Learned counsel appearing on behalf of the petitioner has stated that the matter is fairly contended by the order of a Division Bench of this Hon'ble Court passed in L.P.A. No. 861 of 2004 dated 06.09.2004, wherein this Hon'ble Court has held that even if the licence holder does not file any explanation to the Show Cause Notice, the Authority concerned are legally bound to pass the orders on merits. Therefore, the learned counsel seeks the indulgence of this Court to set aside the impugned orders and remand the matter back to the



authority concerned for passing orders afresh on merits.

5. Per contra, the learned the learned counsel appearing on behalf of the respondents while conceding to the Judgment of this Hon'ble Court referred above has stated that he has no objection for setting aside the impugned orders and remand the matter back to the authority concerned for passing orders afresh.

6. Having regard to the above made submissions and also the law laid down in LPA No. 861 of 2004 dated 06.09.2004, the impugned order dated 19.08.2019 passed by the Sub Divisional Officer and the order dated 22.02.2022 passed by the appellate authority are set aside and the matter is remanded back to the Sub-Divisional Officer, Sheohar, (Respondent No. 4) for passing a reasoned order afresh strictly on merits. The authority concerned shall give an opportunity to the petitioner to file his explanation and then pass the order duly taking into consideration the explanation submitted by the petitioner.

7. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possibly 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 disposed off.

(A. Abhishek Reddy , J)

Gauravkr/-

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