

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19106 of 2024

Umesh Bhagat S/o Late Dukhai Bhagat, Resident of village - Patsara, P.S. Piar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector-cum-District Magistrate, Muzaffarpur.
4. The Sub-Divisional Officer-cum-Licensing Authority, East Muzaffarpur.
5. The Block Supply Officer, Bandra, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Dhananjaya Nath Tiwari, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Government Pleader (05)
For the State	:	Mr. Shailesh Kumar, AC to GP-5

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

5 08-05-2025 The present writ petition has been filed for quashing the order dated 11.02.2016 passed by the learned Sub-Divisional Officer, Muzaffarpur whereby and where under the P.D.S. license of the shop of the petitioner bearing license No. 07-BDR/02-08 has been cancelled. The learned counsel for the petitioner has also prayed for quashing the appellate order dated 11.04.2023 and the order passed by the revisional authority dated 14.05.2024.

2. The learned Senior counsel for the petitioner, Shri N.K. Agrawal, has submitted by referring to the impugned order



dated 11.02.2016 that the same is un-reasoned and non-speaking order and has not been taken into consideration the show cause reply filed by the petitioner. It is further submitted that no reasons whatsoever has been furnished in the impugned order dated 11.02.2016 except stating that the explanation is not satisfactory while passing the order of cancellation of the P.D.S. license of the petitioner. It is also submitted that since the original order is bad in law, the consequential appellate order and the revisional order also stand vitiated in the eyes of law.

3. Per contra, the learned counsel for the respondent State has not disputed the position as is existing in law.

4. Heard the learned counsel for the parties and perused the materials on record from which it is apparent that the impugned order dated 11.02.2016 passed by the SubDivisional Officer, Muzaffarpur is an un-reasoned and a nonspeaking order and moreover, the same does not show any application of mind by the licensing authority. This court finds that no clear, succinct or cogent reason has been furnished except stating that the explanation is not satisfactory, hence, the impugned order dated 11.02.2016 stands vitiated in the eyes of law, thus is quashed. As the original order dated 11.02.2016 passed by the Sub-Divisional Officer, Muzaffarpur has being



quashed, the appellate order dated 11.04.2023 and the revisional order dated 14.05.2024 have got no legs to stand, therefore, the same are also set aside, however, we deem it fit and proper to remand the matter back to the learned Sub-Divisional Officer, Muzaffarpur with liberty to him to proceed afresh in accordance with law.

5. The writ petition stands allowed.

(A. Abhishek Reddy , J)

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