

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18671 of 2025

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Devendra Kumar Das Son of Karu Das, Resident of Village- Bihta, P.S-
Mahkar, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Patna.
3. The District Magistrate, Gaya.
4. The District Supply Officer, Gaya.
5. The Sub-Divisional Officer, Nimchak, Bathani, Khijarsarai, Gaya.
6. The Block Supply Officer, Khijarsarai, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Government Advocate 5

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

2 27-01-2026 Heard learned counsel for the parties.

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

“i. For issuance of appropriate of writ/s, direction/s, order/s for quashing order dated 14.08.2025 contained in Memo No. 1830 dated 14.08.2025 passed by Respondent No. 4 whereby and under he was pleased to cancel the PDS License of the petitioner bearing No. 36 of 2016 with immediate effect.

ii. For issuance of appropriate of writ/s, direction/s, order/s for quashing show cause notice issued to the petitioner vide Letter No. 1455 dated 07.07.2025 whereby and under Second Show Cause Notice has been issued to the petitioner for submitting his reply within a fortnight that why not PDS License of the petitioner be cancelled.



iii. For issuance of appropriate writ/s direction/s, order/s to the respondents to restore the PDS License of the petitioner bearing No. 36/2016 after quashing the order dated 14.08.2025 and thereafter allow the petitioner to operate and run his PDS Shop within any hindrance.

iv. To pass any order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner has stated that the impugned order dated 14.08.2025 in Memo No. 1830 passed by the Sub-Divisional Officer, Nimchak, Bathani, Khijarsarai, Gaya i.e. Respondent No. 5 is liable to be set aside as the same is against the principles of natural justice and equity. Learned counsel has stated that though the petitioner has submitted a detailed explanation to the show cause notice, the Sub-Divisional Officer has not considered the said explanation and passed the orders in a mechanical manner. That the explanation submitted by the petitioner has not been adverted to by the Sub-Divisional Officer in his order. Learned counsel has therefore, prayed this Court to set aside the impugned order and remand the matter back to the Sub-Divisional Officer for passing orders afresh duly taking into consideration the explanation submitted by the petitioner.

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 efficacious remedy of filing an appeal before the District Magistrate. Learned counsel has stated that the orders passed by the Sub-Divisional Officer is a well reasoned order and does not require any interference of this Court and prayed to dismiss the present Writ Petition.

5. A perusal of the order passed by the Sub-Divisional Officer shows that the Sub-Divisional Officer while passing the orders has not adverted to the explanation submitted by the petitioner. Even though the petitioner has given a detailed explanation to the show cause notice, the Sub-Divisional Officer has not discussed the explanation submitted by the petitioner and passed the orders in a mechanical manner. This Court in a catena of cases, has held that any order that is passed has to contain the reasons for passing the said orders. Unless and until the reasons are given in the impugned order, the superior authority or the Court will not be in a position to appreciate the order passed and the reason for the order being passed. In absence of any reasons in the order, it would be very difficult to either sustain or set aside the said order. Any order which is not speaking order cannot be sustained in the eye of law and the



same has to be necessarily set aside.

6. This Court as well as the Apex Court, on number of occasions, have held that any authority Court/quasi judicial authority have to necessarily give reasoning in the order passed by them. Unless reasoning is given in the order, neither the party nor Courts before whom the order is challenged will be in a position to appreciate as to what has weighed with the said authority either for dismissing or allowing the application of the petitioner. Though the quasi judicial or administrative authority are not obligated to give a lengthy or elaborate reasoning as in the case of Judicial order, yet they are expected to give a reasoned order which should be precise, concisely setting out the reason for allowing or dismissing the contention/application/case.

7. In the case of **Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs. Shukla and Brothers**, reported in **(2010) 4 SCC, 785**, the Hon'ble Supreme Court has held as under:

“..... while exercising the power of judicial review on administrative action and more particularly the judgment of courts in appeal before the higher court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly: a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard Secondly, the



authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.....”

“.....A litigant who approaches the court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer Reasons are the soul of orders Non-recording of reasons could lead to dual infirmities: Firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant.”

8. Having regard to the above mentioned facts and circumstances, the impugned order dated 14.08.2025 passed by the Sub-Divisional Officer, Nimchak, Bathani, Khijarsarai, Gaya (i.e. Respondent No. 5 herein) is set aside and the matter is remanded back to the Sub-Divisional Officer for passing orders afresh. The Sub-Divisional Officer shall pass a reasoned order duly taking into account the various contentions raised by the petitioner in his explanation.

9. 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.

10. Accordingly, the present Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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