

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12194 of 2005

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Vijay Kumar II sonof Ramnand Prasad, resident of village Barbat Barrain,
Police Station Bettiah, District West Champaran, ...

.... Petitioner

Versus

1. The State Of Bihar,
2. The District Magistrate, Bettiah, West Champaran,
3. The Sub-divisional Officer, Sadar, Bettiah,

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondent/s : Mr. Fakhruddin Ali Ahmad, AC to SC III

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

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31-01-2012

.....
Heard learned counsel for the petitioner and the State.

I.A. No. 8414 of 2011 has been filed on behalf of the petitioner bringing on record the fact that his licence was cancelled vide order dated 02.05.2006 as contained in Annexure 4 and however, surprisingly another order dated 05.06.2006 has been passed cancelling the licence once again.

However, in paragraph 5 of the counter affidavit it has been stated that subsequent order was inadvertently issued due to clerical error as the earlier order of cancellation got misplaced from record.

In above view of the matter, it would be deemed that the order dated 05.06.2006 (Annexure 6) is not in

existence as the same has been passed admittedly due to some mistake on the part of the office of the licensing authority.

So far the order under challenge as contained in Annexure 4 is concerned, it is submitted on behalf of the petitioner that the same is non-speaking one inasmuch as no reason has been assigned for coming to the conclusion as to how the charges levelled against him stood proved. A quasi-judicial authority is supposed to disclose the grounds on coming to a definite conclusion. Merely rejecting the reply to the show-cause notice without assigning reason would not be sufficient. Even if there is no reply to the show-cause, in that case also, the authorities are duty bound to record the reasons for coming to the conclusion as to how the charges have been proved against the concerned person.

In above view of the matter, in the opinion of this Court, the order dated 02.05.2005 as contained in Annexure 4 cannot be sustained in its present form and accordingly, the same is quashed and the matter is remitted back to the licensing authority to take a fresh decision in accordance with law after granting another opportunity to the petitioner to show-cause and supply all the relevant documents. The petitioner would also be

obliged to cooperate in the proceeding and appear on the dates fixed, failing which the concerned authority would be at liberty to proceed further and pass necessary order even in absence of the petitioner in accordance with law.

As a result, this writ application is allowed to the extent as indicated above.

It is also made clear that there would be no automatic resumption of supplies as the same would depend upon the decision taken by the licensing authority.

(Dr. Ravi Ranjan, J.)

SC/-