

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.434 of 2014

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Kunji Lal Sahni S/o Late Dahaur Sahni, resident of village-
Pirmohammadpur, Police Station- Ahiyapur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector-cum- District Magistrate, Muzaffarpur.
3. The District Supply Officer, Muzaffarpur.
4. The Sub- Divisional Officer, East Muzaffarpur.
5. The Block Supply Officer, Mushari, Muzaffarpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Pancham Lal Jaiswal, Advocate
Mr. Raj Kumar Goshwami, Advocate
Mr. Kailash Nath Diwakar, Advocate

For the Respondent/s : Mr. Md. Raisul Haque, SC-4
Mr. Iqbal Asif Niazi, A.C. to SC-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 23-06-2015 Heard Mr. Pancham Lal Jaiswal, learned counsel for the

petitioner and Mr. Iqbal Asif Niazi, Assisting Counsel to SC-4 for

the State.

The license of the petitioner bearing License No. 20-
MUS-04/08 for operating a shop under the Public Distribution
System has been cancelled by the Sub-Divisional Officer-cum-
Licensing Authority, East Muzaffarpur vide order dated
31.10.2011, a copy of which is placed at Annexure-3.

The only issue that has been raised by the petitioner to
question the impugned order is that it is based on a vague charge
sheet inasmuch as the allegations are vague and do not specifically

point to any irregularity.

In support of the contention, learned counsel has relied upon the charge sheet present at Annexure-1 which charges the petitioner on four counts, namely:

- (a) The shop was found closed without notice;
- (b) Due to closure the records could not be verified;
- (c) The consumers have complained that the petitioner opens his shop irregularly and on questioning he replies that he has not received ration; and
- (d) That the petitioner obtains coupons for two months in return of supply of ration for one month.

Considering the nature of allegations that this Court vide order passed on 7.4.2015 required the respondents to support the charges on the basis of the materials.

A counter affidavit has been filed but the materials supporting the charges are conspicuously missing. A proceeding for cancellation of license is quasi judicial in nature and unless the license holder is confronted with specific allegations, he is seriously prejudiced to make any replies. Obviously, it is in view of the vagueness of the charges that a simple reply contradicting the charges was filed by the petitioner which has simply been

rejected by the licensing authority inter alia on grounds of being not satisfied.

Having heard learned counsel for the parties and considering the vagueness of the charges, I am of the opinion that the order impugned resting on such vague charges cannot be upheld and as a consequence the order of cancellation of the license of the petitioner dated 31.10.2011 passed by the licensing authority-cum-Sub Divisional Officer, East Muzaffarpur is set aside and the license of the petitioner is restored.

The writ petition is allowed.

(Jyoti Saran, J)

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