

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2715 of 2014

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1. Maheshwar Das Son Of Late Doman Das Resident Of Village Pakara,
P.S.- Naugachia, District- Bhagalpur Petitioner

Versus

1. The State Of Bihar Through Secretary, Food And Supply Deptt., New
Secretariat, Vikash Bhawan, Patna
2. The District Magistrate, Bhagalpur, District- Bhagalpur
3. The District Supply Officer, Bhagalpur, District- Bhagalpur
4. The Sub Divisional Officer, Naugachia, District Bhagalpur
5. The Block Development Officer Cum Block Supply Officer, Naugachia,
District- Bhagalpur

.... Respondents

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Respondent/s : Mr. JC to GP-30

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 17-08-2015 The petitioner is a PDS dealer of Gram Panchayat Pakra,
Prakhand Naugachia in the district of Bhagalpur.

The petitioner submits that as he did not deposit the Bank Draft for four months for lifting of food grains of Antodaya and B.P.L. Scheme, his licence was cancelled which was affirmed in appeal. The petitioner states that on account of illness in the family, he could not deposit the Bank Draft. In support of his submission, the petitioner had produced all the relevant documents before the authorities concerned, but the same was not considered by them.

The petitioner further submits that apart from the said allegation, there is no allegation against him. He assures the Court

of no further default in future.

Counsel for the State submits that the petitioner even did not inform the authorities concerned that he is unable to deposit the Bank Draft on account of illness in the family.

In my view, in case the petitioner was unable to deposit the Bank Draft for lifting the foodgrains under Antodaya and B.P.L. Scheme, he should have informed the authorities about it. However, taking into consideration the submission of the petitioner that the default was not willful and there has been no previous default in the preceding year, the impugned order cancelling his license which was affirmed in appeal are set aside.

In the result, this writ application is allowed.

However, continuance of the license of the petitioner would be subject to any third party right created in the meantime.

(Samarendra Pratap Singh, J)

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