

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8009 of 2015

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Kedar Paswan, Son of Late Sumrit Paswan, Resident of Village and Post -
Sahuri, P.S.- Birpur, District - Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Old Secretariat, Patna.
2. The Commissioner, Munger Division, Munger.
3. The Collector, Begusarai, District - Begusarai.
4. The Sub-Divisional Officer, Begusarai, District - Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. K.K. Jha- Aag14

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

ORAL ORDER

3 07-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner is a PDS dealer under Barauni
Prakhand in the district of Begusarai.

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 and revision 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. In case of any subsequent development, the licensing authority would be at liberty to proceed against the petitioner.

(Samarendra Pratap Singh, J.)

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