

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10716 of 2010

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Surendra Sah @ Surendra Prasad Sah, Son of Late Ram Prasad Sah,
Resident of Adalpur, P.S.- Amdanda, (Sanhoula), District- Bhagalpur.
..... Petitioner.

Versus

1. The State of Bihar through the Secretary, Food & Civil Supply Department, New Secretariat, Government of Bihar, Patna.
2. The Secretary, Food & Civil Supply Department, New Secretariat, Government of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Sub-Divisional Magistrate, Kahalgaon, District- Bhagalpur
5. District Supply Officer, Bhagalpur
6. Block Supply Officer, Kahalgaon, District- Bhagalpur
7. Block Supply Officer, Sanhoula, District- Bhagalpur
8. Supply Inspector, Sanhoula, District- Bhagalpur

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Bimlendu Shekher Thakur, Advocate
Mr. Priyank Deepak

For the Respondent/s : Mr. (Sc5)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

12 16-01-2015

Heard learned counsel for the petitioner and the State.

2. The petitioner was Public Distribution Shop dealer of Gram Panchayat Raj Madarganj, Block Sanhoula, within Kahalgaon Sub-Division in the district of Bhagalpur.

3. He is aggrieved by order dated 12.11.2007, passed by the Sub-Divisional Officer, Kahalgaon, Bhagalpur cancelling his P.D.S. license as well as order dated 18.02.2010 of District Magistrate, Bhagalpur in Supply Case No. 02 of 2008-09, affirming the same in appeal.

4. It appears that a large number of persons made complaint before the Sub-Divisional Officer, Kahalgaon, the



licensing officer, against the petitioner for short supply as well as non-supply of K-Oil at times for months. On the basis of complaint, the petitioner's license was suspended on 15.10.2004 and a report was called from the Block Supply Officer, Kahalgaon. The Block Supply Officer in his report dated 01.04.2005 stated that as many as 10 alleged complainants have filed affidavits stating that they did not have any grievance against the petitioner. The Block Supply Officer recommended revocation of suspension of the petitioner's P.D.S. license. The petitioner also filed representation on 23.05.2006 praying for recall of suspension order of his P.D.S. license.

5. The Sub-Divisional Officer, however, again forwarded the representations to Block Supply Officer, Sanhoula for his comments vide letter dated 10.07.2006. The Block Supply Officer in turn sought opinion from the Supply Inspector, Sanhoula. The Supply Inspector in course of enquiry found 4 of 10 affidavits produced by petitioner in his favour to be forged.

6. On the basis of the report dated 10.11.2006 of Supply Inspector, Sanhoula, the Block Supply Officer, Sanhoula recommended for lifting of suspension with a warning to the petitioner. The letter dated 10.11.2006 is annexed as Annexure-9 to this application. The licensing authority, namely, the Sub-Divisional Officer, Kahalgaon, however, cancelled the P.D.S.

license of the petitioner, as some complainants still stuck to their complaints.

7. The petitioner submits that the licensing authority failed to appreciate that only four of the ten affidavits filed before the Block Supply Officer were forged, whereas six affidavits were genuine. He submits that as such the majority of the complainants denied that they had even levelled any allegations against him. The fact still remains that there existed complaints against the petitioner.

8. In this view of the matter, I do not find any infirmity in the order of the licensing authority or the appellate authority. However, it would be open for the petitioner to challenge the report of the Supply Inspector, Sanhoula which formed the main basis for cancelling the P.D.S. license of the petitioner. In case, if any such representation is filed against the report of the Supply Inspector, the licensing authority would consider the same subject to any third party right created in the meantime. It will be also open for the petitioner to produce all such documents as he may rely upon.

9. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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