

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2161 of 2013

=====

Jaieshwar Singh, Son Of Late Chinta Mani Singh, Resident Of Village-
Narsimha, Panchayat- Khara Mirja, P.S.- Aurangabad (M), District-
Aurangabad, Bihar

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, State of Bihar, Patna
2. The Secretary, Food and Civil Supplies, Old Secretariat, Patna
3. The District Magistrate, Aurangabad
4. The District Supply Officer, Aurangabad
5. The Sub-Divisional Officer, Aurangabad
6. The Block Supply Officer, Aurangabad

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Sinha

For the Respondent/s : Mr. Sanjay Kumar, AC to AAG-6

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 23-06-2015

Heard the parties.

The petitioner is aggrieved by the order dated 12.11.2012 passed by the respondent S.D.O., Aurangabad, the licensing authority, whereby the licence of the petitioner of public distribution system shop has been cancelled.

Learned counsel appearing on behalf of the petitioner submits that the order impugned is non-speaking one and has been passed on the basis of the direction issued by the respondent District Collector, Aurangabad. Therefore, it is liable to be set aside by this Court.

Per contra, learned State counsel appearing on behalf of the respondents has opposed the prayer and has submitted that there are serious charges against the petitioner of black-marketing, non-supply of food grains and kerosene oil to the consumers and charging higher rate than the prescribed rate of the kerosene oil from the consumers. It is further submitted that, after holding an enquiry and issuance of show cause notice to the petitioner, his licence has been cancelled by a reasoned and speaking order, which, according to him, is fit to be affirmed by this Court.

After having heard the parties and on examination of the materials available on record, this Court finds that the petitioner was appointed as a dealer under the public distribution system of Gram Panchayat Khaira Mirza in the district of Aurangabad. On an enquiry, by the competent authority, it was found that the petitioner had sold the food grains, released for distribution among the consumers for the month of December, 2011 in black-market. It was also found that he was not supplying the kerosene oil to the genuine consumers and was selling the same on a higher rate. Admittedly, a show cause notice was issued to the petitioner and after giving an opportunity of hearing the impugned order has been passed. Furthermore, this Court finds that for the omission and commission on the part of the petitioner a criminal case has also been lodged against him and as per the submission of learned counsel appearing on behalf of the petitioner also, the aforesaid criminal case is still pending. The impugned order dated 12.11.2012 passed by the licensing authority is not a cryptic and non-speaking order rather sufficient reasons have been disclosed for cancellation of the licence of the petitioner.

For the reasons recorded above, this Court is not inclined to exercise its discretionary powers under Article 226 of the Constitution of India for interfering with the impugned order dated 12.11.2012 passed by the respondent S.D.O., Aurangabad, the licensing authority.

In the result, the writ petition has to fail and is, accordingly, dismissed, but there shall be no order as to costs.

Arvind/-

U			
---	--	--	--

(Birendra Prasad Verma, J)