

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11875 of 2014

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1. Chandra Shekhar Sharma, son of Sri Shyamdeo Sharma, resident of village Kodihara, Gram Panchayat Raj Bihata, Police Station and Block Khizarsarai, Sub Division Neemchak Bathani, District Gaya

.... **Petitioner**

Versus

1. The State of Bihar
2. The Secretary, Department of Food Supply and Commerce, Government of Bihar, Patna
3. Commissioner, Magadh Division, Gaya
4. District Magistrate, Gaya
5. Assistant District Supply Officer, Gaya
6. Sub Divisional Officer, Neemchak Bathani (At Khizarsarai), District- Gaya
7. Block Supply Officer, Neemchak Bathani, District- Gaya
8. Block Supply Officer, Atri, District- Gaya
9. Block Supply Officer, Khizarsarai, District- Gaya

.... **Respondents**

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
 Mr. Md. Imteyaz Ahmad, Advocate

For the Respondent/s : Mr. JC to SC2

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 27-10-2015 The petitioner is a PDS dealer under three blocks of Gaya district. He seeks quashing of the order, dated 17.10.2012 passed by the Sub-Divisional Officer, Neemchak Bathani, Gaya which was affirmed in Supply Appeal Case No.24/12 by order dated 26.5.2013 passed by the District Magistrate, Gaya as well as in Supply Revision Case No.186/2013 by order dated 6.2.2014 passed by the Commissioner, Magadh Division, Gaya.

The show cause notice dated 14.7.2012 contained three allegations against the petitioner which are as under:

i) The petitioner did not produce the distribution register before the Inspecting team.

(ii) One Kanti Devi and 13 others made complaint that lesser quantity of food grains were supplied but higher prices were charged from them;

(iii) The lesser quantity of food grains were supplied to the people under BPL Category, whereas higher prices were charged from them.

As the show cause reply was not found satisfactory, his license was cancelled.

The petitioner assails the impugned order on the ground that neither copy of enquiry report nor copy of complaint of Kanti Devi and other dissatisfied consumers were furnished to him. However, Kanti Devi in her affidavit has denied having made any allegations against the petitioner.

He also submitted distribution register without much delay. No discrepancies were found either in the stock register or in the distribution register.

I find that the petitioner has substantially met the allegations leveled against him save and except the complaint made by 13 other consumers. In my view, he was not provided reasonable opportunity to meet those allegations as copy of the

enquiry report was not provided.

In the result, this writ application is allowed. The impugned order, dated 17.10.2012 passed by the Sub-Divisional Officer, Neemchak Bathani, Gaya which was affirmed in Supply Appeal Case No.24/12 by order dated 26.5.2013 passed by the District Magistrate, Gaya as well as in Supply Revision Case No.186/2013 by order dated 6.2.2014 passed by the Commissioner, Magadh Division, Gaya are set aside and quashed.

(Samarendra Pratap Singh, J)

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