

Binod Chaudhary son of Lakhan Choudhary Village - Mahuat Bazaar,
Punchayat - Amethi, Thana - Wazirganj, District - Gaya

Versus

1. The State Of Bihar
 2. The Principal Secretary, Food And Civil Supplies Department,
Government Of Bihar, Patna
 3. The District Magistrate, Gaya
 4. The District Supply Officer, Gaya
 5. The Sub - Divisional Officer, Sadar, Gaya
 6. The Block Supply Officer, Wazirganj, Gaya
- Respondents

For the Petitioner/s : Mr. AK Ojha, Advocate and
Mr. AK Karna, Advocate

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

The petitioner Binod Chaudhary, substituted vide order dated 1.10.2015 submits that the enquiry report of the Block Supply Officer is not clear as to when and how inspection of the PDS shop was made. Further, the Licensing officer, respondent no.5 passed a non-speaking order stating that the petitioner had not been able to make an adequate defence and that the charges leveled against him were found to be true.

Counsel for the State submits that as per the enquiry

report, the petitioner committed gross illegality in contravention of PDS (Control) Order, 2001. His shop was inspected on 3.8.2013 and 13.8.2013 by the Supply officer, Wazirganj Block in which he found many illegalities and irregularities done by the petitioner. Learned State counsel submits that the original petitioner in his affidavit has mentioned his age as 65 years and as per Clause 2.5 of the 2007 Order, his heir cannot be considered for grant of license on compassionate ground having died beyond 55 years of age.

Counsel for the petitioner submits that the mentioning of age of the petitioner as 65 years was a slip of pen which may be the subject of verification, if required.

Having regard to the facts and circumstances of the case, I find that the enquiry report upon which the impugned order has been passed lacks certain relevant details. In this view of the matter cancellation of license of the PDS license of the petitioner is not sustainable in law and is accordingly set aside. I would have remitted the matter to the appellate authority, but as the original petitioner has died, no such order can be passed.

(Samarendra Pratap Singh, J)

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