

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20910 of 2014

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1. Shiv Shankar Sao, S/o Late Kesho Sao, Resident of Village-Alapur, P.O.-
 Babhangama, P.S.-Lakhisarai, District-Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Sheikhpura.
 2. The Collector, Sheikhpura.
 3. The Sub Divisional Officer, Sheikhpura. null null
 4. The Land Reforms Deputy Collector, Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
 Mr. Dhananjaya Nath Tiwari
 For the Respondent/s : Mr. Md. R. Haque, SC 4
 Md. Obaidullah, AC to SC 4

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

ORAL ORDER

2 30-11-2015 The petitioner held licence for PDS shop within Sheikhpura District. He seeks quashing the order dated 17.5.2014 whereby his PDS licence has been cancelled and affirmed in appeal vide order dated 19.9.2014 passed by the Collector, Sheikhpura in Supply Appeal No.26/2014.

It appears that on 7.5.2014 a show cause notice was issued for alleged violation of PDS licence on the basis of inspection of his shop made by the Deputy Collector, Land Reforms, Sheikhpura wherein the petitioner is said to have committed various illegalities in distribution of trade items. The petitioner filed his show cause. Not being satisfied with the reply, the licensing authority cancelled the license taking into consideration the inspection report of Deputy Collector, Land Reforms.

The petitioner submits that the Deputy Collector, Land Reforms was not authorized to make inspection of the shop.

Counsel for the State submits that the Deputy Collector, Land Reforms made inspection in view of direction of the Secretary, Food and Consumer Protection Department.

I find substance in the submission of learned counsel for the petitioner. The State Government vide its notification issued under 2001 Order has mentioned the names of the officials who would be authorized to make inspection of the PDS shop. The list of the officials so authorized does not contain the name of the Deputy Collector, Land Reforms.

In this view of the matter, I agree with the submission of the petitioner that the inspection was carried out by a person who was not authorized under the law. As the impugned order cancelling the license and the Appellate order are based on the inspection report of the Deputy Collector, Land Reforms, the same too would be bad in law and as such the same are, accordingly, set aside.

It goes without saying that the respondents would be at liberty to proceed afresh in accordance with law.

In the result, this writ application is allowed.

(Samarendra Pratap Singh, J)

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