

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25460 of 2013

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Babloo Rai Son Of Sardan Rai Resident Of Village And P.O. Pakara, P.S.
Navgachhiya, District – Bhagalpur Petitioner

Versus

1. The State Of Bihar Through The Secretary Food And Consumer
Protection Department, Old Secretariat, Patna
 2. The Sub - Divisional Officer, Navgachhiya, District - Bhagalpur
..... .. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 06-10-2015 The petitioner seeks quashing of order dated

18.9.2013, passed by respondent no.2 by which his PDS licence

no. 36 of 1994 has been cancelled.

The petitioner submits that as he did not deposit the
pay in slip from January, 2013 to August 2013 for lifting of food
grains of B.P.L. Scheme, his licence was cancelled. The
petitioner states that on account of illness in the family, he could
not deposit the Bank Draft. In support of his submission, the
petitioner had produced all the relevant documents before the
authorities concerned, but the same was not considered by them.
The petitioner further submits that apart from the said
allegations, there is no allegation against him. He assures the
Court of no further default in future.

Counsel for the State submits that the petitioner even

did not inform the authorities concerned that he is unable to deposit the Bank Draft on account of illness in the family.

In my view, in case the petitioner was unable to deposit the Bank Draft for lifting the food grains under B.P.L. Scheme, he should have informed the authorities about it. However, taking into consideration the submission of the petitioner that the default was not willful and there has been no previous default in the preceding year, the impugned order cancelling his license is set aside. In the result, this writ application is allowed.

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(Samarendra Pratap Singh, J)