

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5505 of 2013

=====

1. Ram Nandan Singh S/O Late Genda Singh R/O Village- Sahil Pathra,
Police Station- Tankuppa, P.O.- Uttribara, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Gaya
3. The Sub-Divisional Officer, Sadar, Gaya
4. The District Supply Officer, Gaya
5. The Block Supply Officer, Sadar, Gaya

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

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

7 04-09-2015

Heard the learned counsel for the petitioner.

The original petitioner, Ram Nandan Singh was a P.D.S. licensee bearing License No.53/85 in the township of Gaya. The petitioner seeks quashing of the order dated 31.03.2008 passed by S.D.O., Sadar Gaya whereby his license was cancelled which was affirmed in appeal on 20.05.2012. During the pendency of the writ application, Ram Nandan Singh died on 12.01.2015 and was substituting by his wife, Sarojni Singh.

With respect to the allegations there was no supply of food grains and kerosene oil to the card holders, the petitioner submits that for sometimes he was not able to supply as there was short supply of the quantities. The local Mukhiya had also certified that the petitioner could not be faulted for short supply.

He further certified that none made any complaints against him. He further submits that the original petitioner has died during pendency of this writ application and the license stood cancelled since 2008.

The learned counsel for the State submits that the allegations against the petitioner were found correct by both S.D.O. as well as Collector.

Heard the learned counsel for the parties.

It appears from the materials on record that some of the persons who have made complaint were not customers of the petitioners. Furthermore, the local Mukhiya has also certified that no one has ever complained against the functioning of the petitioner. Even assuming the case of the respondents to be true, only one or two customers made complaints.

Considering the facts and circumstances of the case, I am inclined to quash the impugned order cancelling the license of the deceased petitioner, Ram Nandan Singh only for purposes of clause 2.5 of Control Orders, 2007.

It will be open for the petitioner to pursue his remedy before the appropriate authority in accordance with law.

(Samarendra Pratap Singh, J)

Saurabh/-

U			
---	--	--	--