

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13929 of 2012

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Brajesh Kumar @ Brajesh Kumar Yadav Son of Butai Yadav Resident of
Village- Pakary, P.O.- Kalyanpur, P.S.- Bihian, District- Bhojpur (Bihar)
..... Petitioner

Versus

1. The State Of Bihar
 2. The District Magistrate, Bhojpur at Ara, District- Bhojpur (Bihar).
 3. The District Supply Officer, Bhojpur, District- Bhojpur (Bihar).
 4. The Sub Divisional Officer, Jagdishpur, District- Bhojpur (Bihar).
 5. The Block Supply Officer, Bihian, District- Bhojpur (Bihar)
- Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar,
Mr. Raj Narayan Mishra, Advocates.

For the Respondents : Mr. Brajesh Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-09-2016

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for setting aside
the order dated 16.06.2012 passed by the Collector, Bhojpur at Ara in
Revenue Appeal No. 04 of 2011-12, upholding the order of the Sub-
Divisional Officer, Jagdishpur cancelling the PDS licence of the petitioner.

3. Learned counsel for the petitioner submits that the
order of the Collector has arbitrarily been passed without hearing of the
matter on relevant facts of the case.

4. Learned counsel for the respondents, on the other hand,
opposes the writ petition, demonstrating from the very opening
sentence of the impugned order dated 16.06.2012 that the Collector had
duly heard counsel for the petitioner as well as Public Prosecutor before

disposing of the appeal.

5. Having heard the parties and on consideration of the materials on record, this Court does not find any merit in the writ petition. It is a matter of record that at the initial stage, the petitioner was issued two show cause notices by the Sub-Divisional Officer, Jagdishpur, the first of which was replied to while the second one was not responded to at all. The impugned order mentions that hearing was granted to both sides before the appeal was disposed of, which fact has not been assailed as an error of record. The Collector has duly applied his mind to the show cause reply of the petitioner filed before the Sub-Divisional Officer and has taken note of the lapses on the part of the petitioner. This Court is therefore unable to find any arbitrariness in the order of the Collector upholding the cancellation of the PDS licence of the petitioner by the Sub-Divisional Officer, Jagdishpur. Moreover, it is well-settled that this Court in its writ jurisdiction merely corrects any error in the decision making process but does not sit as a court of appeal to test the correctness of the decision itself.

6. The writ petition accordingly stands dismissed.

Md. Ibrarul/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.09.2016
Transmission Date	N/A