

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21192 of 2014

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Priyaranjan Singh @ Priyaranjan Kumar Singh Son of Late Maksudan Singh
Resident of village- Habidih Dakshini, Sher Bijulia , P.O.- Bijulia, P.S. - Biraul,
District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector and District Magistrate, Darbhanga, District - Darbhanga.
3. The Sub - Divisional Officer, Sadar Darbhanga, District - Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate
For the State : Mr. Seema Ghazala, AC to G.A. 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-10-2016

Heard learned counsel for the petitioner and the State.

Sole ground raised on behalf of the petitioner is that for one day's closure of the PDS shop, the licence of the petitioner has been cancelled.

Petitioner places reliance upon a decision of a Division Bench of this Court rendered in **Turant Lal Paswan Vs. State of Bihar & Others, [2012 (3) PLJR 583]** in which Division Bench has expressed its views in the following terms:

“We find that admittedly the petitioner did close the shop on the particular day. Though, the action of keeping the shop closed on one particular day was in breach of the terms and conditions of the licence and may not be justified, was not such

grave violation that would entail cancellation of licence.”

In my view though the action of keeping the shop closed on one particular day was in breach of the terms and conditions of the licence which cannot be justified, but the omission cannot be held to be such grave violation that would entail cancellation of licence.

It is also stated in the impugned order that the behaviour of the petitioner with the *Mahadalit* was not found to be good. However, while considering the reply to the show cause notice only one sentence has been devoted that his reply is not satisfactory.

In my view that is also not tenable in law as no reason has been assigned for rejecting grounds raised by the petitioner in his reply.

Accordingly, this writ application succeeds. The orders impugned contained in Annexure 1 and 4 are quashed and set aside.

The supplies to the petitioner would be resumed immediately.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2016
Transmission Date	NA