

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2192 of 2017

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1. Nagendra Choudhary Son of Nabu Choudhary Resident of Village- Dharam Parsa, P.S.- Majha Gadh, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old Secretariat, Patna.
2. The S.D.O. Gopalganj.
3. The Block Supply Officer, Manjha, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the State : Mrs. Deepika Sharma

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-06-2017

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

In the present writ petition, petitioner is challenging the order dated 23.12.2015 passed by the Sub Divisional Officer, Gopalganj by which licence of the petitioner has been cancelled.

A proceeding was initiated on account of the receipt of complaint by some consumers, namely, Taku Pandit, Bhola Kumar and others made a complaint that they were not receiving the rice and wheat from January, 2015 to June 2015. Petitioner has taken a defence that he was allotted less quantity of ration not proportionate to number of consumers. Earlier he was



distributing the grain to all the consumers but later on, on account of increase of number of consumer but proportionately ration was not supplied for distribution and on that account he was supplying the ration on rotation wise. He has further taken a plea that earlier there were 215 card holders but now it has increased and supply of ration for distribution has not increased. It is not possible to satisfy all the consumers .

The Sub Divisional Officer has not dealt with the defence of the petitioner which has been taken in the objection and by a cryptic and perfunctory order, rejected the claim of the petitioner and cancelled the licence.

The State has tried to justify the order of the Sub Divisional Officer but the order passed by the Sub Divisional Officer has not considered the objection which has been raised and by a cryptic order he has rejected the objection.

In such view of the matter, the impugned order dated 23.12.2015 is set aside and matter is remanded back to the Sub Divisional Officer, Gopalganj who will consider the defence of the petitioner and will pass order in accordance with law within a period of four months from the date of receipt/production of a



copy of this order.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

