

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1636 of 2017

=====

Bideshi Ram, S/o Late Sukeshwar Ram, resident of Village- Madhopur, P.O.-
Punarwara Shyam, P.S.- Hathauri, Anchal- Bochahan, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Sub Divisional Officer, East, Muzaffarpur.
6. The Block Supply Officer, Bochahan Block, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Pradhan Murli Manohar Prasad, Adv. Mr. Raju Kumar, Adv.
For the Respondent/s	:	Mr. S.Raza Ahmad -AAG5 Mr. Vishwambhar Prasad, AC to AAG 5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2017

Seeking exception to an order dated 2.11.2017 passed by the learned Writ Court in C.W.J.C. No.4552 of 2017, this appeal has been filed under Clause 10 of the Letters Patent.

In the matter of cancelling the P.D.S. shop licence of the petitioner, appeal filed by the petitioner to the District Magistrate, Muzaffarpur has been dismissed vide order passed in Appeal Case No.34 P.D.S./2007-08. Revision filed was dismissed by the Commissioner on 28.2.2017 and the writ petition has also



been dismissed by the learned Writ Court, as indicated hereinabove, on 2.11.2017. The concurrent orders passed by the Appellate Authority, the Revisional Authority and the learned Writ Court are challenged now only on the ground that the finding recorded with regard to shop being closed and not functioning is a perverse finding and ignoring certain reports of the Sub-divisional Officer/Block Supply Officer.

In our considered view, the concurrent findings recorded by the authorities goes to show that the licence was cancelled for causing an enquiry with regard to the shop being closed on a particular day and we see no reason to make any indulgence into the concurrent orders passed by the authorities, as indicated hereinabove.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	3.1.2018
Transmission Date	

