

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1890 of 2015

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Suman Singh, son of Sri Mundrika Singh, Resident of Village- Nawada, Gram Panchayat- Rajepur Nawada, P.S- Pakridayal, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Civil Supply Department Old Secretariat, Patna.
2. The Secretary, Food & Civil Supply Department, Old Secretariat, Patna.
3. The District Magistrate, East Champaran.
4. The Sub Divisional Officer, Pakridayal, East Champaran.
5. The Block Education Officer, Pakridayal, East Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondents : Mr. S.K. Mandal, SC-3
Mr. Arjun Prasad, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-11-2017

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 06.08.2013 issued under Memo No. 1747 dated 06.08.2013 by which the license granted under the provisions of P.D.S. order for carrying on business under PDS system has been cancelled by the Sub-Divisional Officer, Pakridayal, East Champaran at Motihari and further for quashing the order dated 13.11.2014 passed in Case No. Supply 23/2013 by the Collector, East Champaran at Motihari by which the statutory appeal filed against the order of S.D.O. has been rejected.

3. Learned counsel for the petitioner submits that NEFT payment could not be made for certain months between January, 2013 and June, 2013 owing to illness and financial constraints. Default in remittance was not willful and in any event the Principal Secretary, Food and Consumer Protection Department, Government of Bihar by



letter dated 12.09.2012 had instructed all the District Magistrates that license should not be cancelled on the ground of failure to make payment for lifting the food-grains.

4. Learned counsel for the respondents relies on the counter affidavit to submit that the petitioner had defaulted in making NEFT payments for the months of January, February, March, April and June, 2013 leading to issuance of show cause and finally cancellation of the petitioner’s PDS license.

5. Having heard the parties and on a careful consideration of the materials on record, the impugned orders dated 06.08.2014 passed by the S.D.O. Pakridayal, East Champran at Motihari as well as the order dated 13.11.2014 passed by the Collector, East Champaran at Motihari rejecting the petitioner’s appeal are hereby set aside and the license of the petitioner is directed to be restored. It is made clear that in case similar default is committed by the petitioner in future, the authorities shall be at liberty to take appropriate action in the matter.

6. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

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