

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2396 of 2015

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Mostt. Sonawti Devi W/o Late Lakshaman Sah R/o Village - Hasaur, P.S. -
Belsand, District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar, through the Principle Secretary, Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer cum Licensee authority, Belsand, District - Sitamarhi.
4. The Block Supply Officer, Block - Belsand, District - Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Hari Mohan Mishra,
Mr. Mukund Mohan Jha, Advocates
For the Respondents : Mr.Mrigendra Kumar, AC to GA 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-11-2017

The present writ petition has been filed for quashing the order as contained in memo no. 1543 dated 17.11.2014 passed by the Sub-divisional Officer, Belsand, District Sitamarhi, whereby and whereunder the PDS licence of the petitioner has been cancelled on the basis of recommendation of the Block Supply Officer, Belsand; and for issuance of a writ in the nature of mandamus commanding and directing the respondent authority to restore the licence of PDS dealership of the petitioner bearing Licence No. 01/2010.

2. Learned counsel for the petitioner submits that a show cause notice dated 13.11.2014 was issued granting three days time to



file show cause explaining why the requisite amount for lifting food grains had not been deposited for the month of July, 2014. It is submitted that the amount of Rs. 77,649/- and Rs. 21,560/- (total Rs. 99,209/-) was immediately thereafter deposited through two separate challans dated 17.11.2014, but without considering the same the impugned order of cancellation has been passed on the very day. It is submitted that the delay in deposit was owing to illness and wholly *bona fide*. The 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 licence should not be cancelled on the ground of failure to make payment for lifting the food-grains.

3. Learned counsel for the respondents appears and submits that the petitioner had defaulted in making the payment for the month of July, 2014 and the petitioner's licence has rightly been cancelled.

4. Having regard to the rival submissions of the parties, this Court is of the view that one more chance can be given to the petitioner, more so, when the petitioner has made the requisite deposit soon after issuance of the show cause. Accordingly, the impugned order dated 17.11.2014 is quashed and the authorities are directed to restore the PDS licence of the petitioner without delay.

5. The writ petition stands allowed as above.



(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.11.2017
Transmission Date	N.A.

