

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8845 of 2015

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1. Janak Deo Pandey Son of Bidya Pandey, residence of village+ P.O.- Serukhan,
Police Station- Mashrak, District- Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary Food and Civil Supply Department,
Government of Bihar, Patna
2. The Commissioner, Saran at Chapra
3. The District Magistrate Saran at Chapra.
4. The District Supply-cum-Marketing Officer, District- Saran
5. The Sub Divisional Officer-Marhowrah, District- Saran
6. The Circle Officer Under Block- Mashrak, District- Saran
7. The Marketing Officer Under Block- Mashrak, District- Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav

For the State : Mr. Alok Ranjan, AC to GA 6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-05-2017

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

In the present writ petition, petitioner is challenging the
order dated 30.11.2014 passed by the Commissioner, Saran at
Chapra in Revision No.363 of 2013 as well as Appeal No.7 of
2009 order dated 14.11.2012 passed by the District Magistrate,
Saran at Chapra by which he has stopped the licence of the
petitioner.

On certain allegations an inspection was conducted and
shop was found closed at the time of inspection. No information



was given on the notice board even the consumer has reported that dealer was distributing the food grains and K. oil irregularly. The Block Supply Officer sent the report to the Sub Divisional Officer, Masrakh who in turn issued show cause vide memo no.779 dated 6.5.2009 and directed to produce submit the sale register, stock register and used register. Petitioner was served show cause for reply which the petitioner has done but did not submit aforesaid registers which led to suspension of PDS licence. He was served second show cause but he did not file explanation to the second show cause led to cancellation of his licence vide memo no.1909 dated 17.9.2009.

Being aggrieved by the said order an appeal was filed vide Appeal No.7 of 2009 which was also rejected then revision was filed and the order of Revisional Court is under consideration of the present case..

From the order of the Commissioner it appears that he has rejected the revision on the ground that petitioner has not filed reply to the second show cause whereas Commissioner ought to have discussed the merit of the case and should have recorded his independent finding which is missing in the order rejected only on the ground that he has not given the reply of the second show cause is primarily reason for rejection.



In such view of the matter, this Court holds that order of the Commissioner is not sustainable and accordingly the same is quashed. The matter is remanded back to the Commissioner, Saran at Chapra who will consider the case of the petitioner and after giving proper opportunity of hearing will decide the case within a period of three months from the date of receipt/production of a copy of this order. The petitioner is also directed to produce aforesaid registers and if he fails to produce the registers adverse inference would be drawn against him.

With the aforesaid observation and direction this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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