

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16878 of 2015

=====

1. Meena Devi Wife of Late Ajit Paswan resident of Village- Ekrai P.S.-
Ariyari District- Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate cum Collector Sheikhpura
3. The Sub Divisional Officer, Sub-Division- Sheikhpura, District-
Sheikhpura
4. The Block Supply Officer Block- Ariyari, District- Sheikhpura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sushmita Mishra

For the Respondent/s : Mr. Raj Kishore Raj- Gp18

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 10-05-2017 Heard learned counsel for the petitioner as well as
learned counsel for the State.

In this case, the petitioner has challenged the order dated 19.07.2012 passed by the Collector in P.D.S. Appeal No. 29 of 2011, whereby and whereunder, the appeal of the petitioner has been rejected on the ground that on the day of inspection his shop was found closed and as per the order of the Hon'ble Supreme Court the shop was kept to be opened every day so that proper distribution could be made to the poor and dependants. Another observation has been made that the complainants generally alter their position on allurements on account of poverty.

Learned counsel for the petitioner submits that as per



the order of the Sub Divisional Officer, Sheikhpura, wherefrom it appears that she was asked to submit show cause within 4 days by Memo No. 427 dated 30.11.2010, but the petitioner failed to submit the explanation. Thereafter, 24 hours was given to the petitioner to file the show cause with regard to illegal distribution of goods along with the stock and distribution register, but she filed explanation and did not file the stock and distribution register before the Licensing Authority and on this ground her license was cancelled. She has submitted, there is no record to show that the petitioner was asked to produce the records. It is further submitted that no consumers had raised the complaints against the petitioner of short supply nor any person has stated that the explanation filed by petitioner was not satisfactory, but cancelled the license on the basis of report of Block Supply Officer as well as none submission.

The Collector has gone in different line passed the order on the ground that on the date of inspection, the shop was found closed as well as consumers had also made complaint about irregularities in distribution of goods. Admittedly, the report of Block Supply Officer has not been served upon the petitioner which is the basis for initiation of proceeding and passing of order of cancellation.



In such view of the matter, both the orders, dated 19.07.2012, passed by the District Magistrate, Sheikhpura and dated 26.05.2011, passed by the Sub Divisional Officer, Sub-Division, Sheikhpura are set aside. The matter is remanded back to the Licensing Authority, who will examine her case and will take decision in accordance with law.

The S.D.O. will dispose of the same within a period of one month from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J.)

Rakhi

U			
---	--	--	--

