

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1581 of 2016

In

Civil Writ Jurisdiction Case No.2161 of 2013

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Jaieshwar Singh Son of Late Chinta Mani Singh resident of
Village- Narasimha, P.S. - Aurangabad (M), District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, State of Bihar. Patna
2. The Secretary, Food and Civil Suppliers, Old Secretariat, Patna
3. The District Magistrate, Aurangabad
4. The District Supply Officer, Aurangabad
5. The Sub-Divisional Officer, Aurangabad
6. The Block Supply Officer , Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anirudh Kumar Verma
Advocate

For the Respondent/s : Mr. Anjani Kumar-AAG6
Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

8 08-12-2017 Heard learned counsel for the parties.

Since the writ application of the appellant, who was the petitioner before the Writ Court, has been dismissed on 23.06.2015, the appeal has been preferred under Letters Patent.

The decision of the Sub-divisional Officer – cum - Licencing Authority, Aurangabad, canceling the license of a Public Distribution Shop, was the cause of action for preferring the writ application. Allegations were made against the



appellant by the villagers that he is refusing to supply food grains to them in terms of their entitlement month to month. In fact, the food grain is being sold in black-market. The kerosene allotment is also being diverted and it being sold at a higher price and charge. An enquiry was made by the Supply Officer. An opportunity was given to the petitioner-appellant to show-cause. We have perused the show-cause. Except for a bald denial, no other explanation as such has been given.

It is in this background that the final order of termination has been passed by the licensing authority, which in turn was challenged on the ground that it is a cryptic order and non-speaking also.

The Learned Single Judge after going through the order and material came to a considered opinion that the reason for cancellation of the license has been indicated by the authority and that because of such indiscretion committed by the appellant, even a criminal case has been instituted, which is still pending and the trial is going on.

It is not a case where there is smoke without fire. The allegations are there; the enquiry is there; the findings are there, which led to the cancellation of the license. The order of the Learned Single Judge to that extent cannot be said to be



erroneous, which requires interference in appeal.
Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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