

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1176 of 2013

IN

Civil Writ Jurisdiction Case No. 17851 of 2008

=====

Yugal Kishor Prasad Son of Late Kanhaiya Lal Resident of Mohalla- Fidar Bazar,
P.S.- Bagwan Bazar, District- Saran At Chapra

.... Appellant

Versus

1. The State of Bihar Through The Secretary, Food And Consumer Protection Department, Old Secretariat, Patna
2. The District Magistrate, Saran At Chapra, District- Saran At Chapra
3. The Sub-Divisional Officer, Sadar Chapra, District- Saran At Chapra

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. RAJEEV KUMAR LABH

For the Respondent/s : Mr. KUNDAN BHADUR SINGH

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-01-2017

Against the order of cancellation of licence by the licensing authority, i.e., the Sub-divisional Officer, Sadar Chapra, petitioner filed CWJC No.17851 of 2008 seeking quashing of the said order of cancellation dated 25.03.2008 as well as 19.09.2008.

2. On certain complaints having been received by the Vigilance about non-distribution of ration by the PDS shops to the beneficiaries such as holders of BPL or Yellow Cards for a long period of time, raid was conducted by the Vigilance. Raid was conducted on the godown of the State Food Corporation. Irregularities were found since coupons which should have been in the possession



of the beneficiaries were recovered in the raid from the raided place. This led to issuance of show-causes and notices to the PDS dealers. Petitioner was one of the persons against whom notices came to be issued.

3. Show-cause was demanded, matter was heard after giving opportunity and then the order of the Sub-divisional Officer who happened to be the licensing authority came to be passed pointing out the irregularities, which was being committed by the dealer, which was in gross violation of the licensing order and the terms of the licence. Even the appeal before the Collector was dismissed.

4. The learned Single Judge after considering the submission of the counsel for the appellant, who happened to be the petitioner, came to a considered opinion that adequate opportunity and compliance of natural justice had been made. With specific materials and evidence being available on record, the findings were justifiable and, therefore, refused to quash the impugned orders passed by the Sub-divisional Officer as well as the appellate authority, i.e., the District Magistrate.

5. It is not a case that the order of cancellation has been passed on certain whims and caprice of the licensing authority. There were materials and findings with regard to serious omission



committed by the PDS licence holder. Since his explanations were vague and evasive and did not answer the specifics with regard to the said conduct and the manner in which the distribution was being made the cancellation of license was the only way out.

6. It is not a case, therefore, which requires any interference with the order of the learned Single as the same does not suffer from any infirmity.

7. Appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S. Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2017
Transmission Date	NA

