

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.231 of 2017

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Gopal Paswan, Son of Bholas Paswan, resident of Village - Bhansi, P.S. - Garhpura, District - Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Munger.
3. The District Magistrate Cum District Collector, Begusarai.
4. The Sub Divisional Officer, Sub-Division - Bakhri, District - Begusarai.
5. The Block Supply Officer, Block - Garhpura, District - Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Ms. Sushmita Mishra, Advocate

For the Respondents : Mr. Sanjay Kumar, AC to SC15

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-11-2017

The present writ petition has been filed for quashing the order dated 26.11.2014 passed by the respondent no. 2, the Divisional Commissioner, Munger vide which the Misc. Appeal (Supply) No. 327 of 2013 has been dismissed; the order dated 24.06.2013 passed by the respondent no. 3, the District Magistrate, District Begusarai, whereby and whereunder the Misc. Case No. 101/2012 preferred by the petitioner against the cancellation of the P.D.S. Licence of the petitioner has been dismissed; the order dated 20.07.2012 passed by the respondent No. 4 the Sub Divisional Officer, Sub Division, Bakhri, Begusarai whereby and whereunder the P.D.S. Licence of the petitioner bearing no. 17/09 has been cancelled; and for a direction to the respondent authorities to revoke the cancellation of the P.D.S. Licence of the petitioner.

2. Learned counsel for the petitioner assails the impugned orders of



cancellation on the ground that the same relied on the enquiry report of the Block Supply Officer, Block Garhpura, which itself was defective being neither in the prescribed format nor were the thumb impressions of the beneficiaries properly identified. The appellate order of the Collector also took note that the Sub Divisional Officer, Bakhri had not examined the Stock Register and Distribution Register but did not grant relief. The revisional order in turn also did not give any reasons for not interfering in the matter.

3. Learned counsel for the respondents opposed the writ petition submitting that proper opportunity was given to the petitioner before the order of cancellation was passed and no error has been committed which might vitiate the decision making process.

4. Having heard learned counsel for the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. It transpires that the petitioner was confronted with the enquiry report and proper show cause notice was given, to which the petitioner replied and on consideration of the same the impugned order of cancellation was passed by the Sub-Divisional Officer. While the enquiry report contained the statements of various beneficiaries raising serious allegations against the petitioner with regard to charging of higher price and other irregularities, a changed version by the beneficiaries supporting the petitioner was enclosed with the show cause reply, but which was doubted by the Sub-Divisional Officer. The petitioner at no stage raised objection with regard to the enquiry report not being in the prescribed format. In appeal the Collector took note that no proper materials have been produced by the petitioner such as, Sales Register, Allotment Register, Cash Memo,



Coupons etc., and hence the order of cancellation was confirmed. The revisional authority did not also find any error in the appellate order and declined to interfere.

5. The petitioner has not pointed out any irregularity in the decision making process such as non-grant of opportunity, non-supply of enquiry report etc. This Court does not sit in appeal over the decision of the authorities while exercising its writ jurisdiction nor to correct all errors of judgment. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.11.2017
Transmission Date	N.A.

