

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9576 of 2016

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1. Rohit Paswan Wife of Memul Hoda Resident of Village- Dhargawan, PS Mehsi, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Director Panchayati Raj, Bihar, Patna.
2. The District Magistrate-cum-District Election Officer, East Champaran Motihari. null null
3. The Sub Divisional Officer, Chakia, District East Champaran.
4. The Block Development Officer, Mehsi, District East Champaran.
5. The Chief Election Commissioner, Sone Bhawan, Bihar Patna.
6. The Secretary of the State Election Commission, Sone Bhawan, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Mr.Amit Kumar

For the State : Mr. Anil Kumar Sinha, AC to SC 21

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-04-2017

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

In the present writ petition, petitioner is challenging the order of the Sub Divisional Officer-cum-Licensing Officer, Begusarai by which he has cancelled his licence as well as order dated 5.4.2016 passed by the Collector, Begusarai in Misc. Appeal Case No.3 of 2016 by which he has dismissed the appeal.

From the order it appears that the Block Supply Officer received information whereupon a tractor was intercepted from where 34 bags of rice and 48 bags of Macca were recovered.



During interrogation the tractor driver has informed that he has purchased 34 bags of rice from Rohit Paswa (present petitioner) who is running the Public Distribution System Shop and that led to lodging of the First Information Report vide Samho P.S. Case No. 29 of 2014.

Learned counsel for the petitioner submits that on the same day the authority has gone to his shop and make an enquiry. He did not find any discrepancy either in record or stock with respect to rice and there is no material to show that that the seized rice was meant for Public Distribution System shop inasmuch as two persons were not examined and if they have been examined copy of the same has not been served upon the petitioner.

The order of the Sub Divisional Officer shows that he has passed the order on the basis of the material on record as the petitioner has not filed objection or explanation which was served upon him. The appellate authority has also arrived to a finding that 34 bags of rice was recovered from the tractor and during interrogation the driver has said that he has purchased the same from Rohit Paswan (present petitioner). Except that there is no connecting material to show that it was at Public Distribution System.

The petitioner has not exhausted the remedy of revision. In



such view of the matter, petitioner is directed to approach before the revisional authority who will consider the case of the petitioner from all angle and dispose of the same by a reasoned order in accordance with law.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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