

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6909 of 2017

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Adhik Lal Paswan, S/o Late Baijnath Paswan, R/o Village - Raghapur, P.O. Haridaspur, P.S. Nath Nagar, District Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
 2. The Divisional Commissioner Bhagalpur Division, Bhagalpur.
 3. The Collector, Bhagalpur.
 4. The Sub-Divisional Officer, Sadar Bhagalpur.
 5. The Supply Inspector cum Block Supply Officer, Nath Nagar, Bhagalpur.
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Md. Salahuddin Khan, Advocate

For the Respondents : Mr. S. Raza Ahmad-AAG5
Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-04-2018

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

2. The present writ petition has been filed for quashing the order dated 26.08.2014 passed by the Sub-Divisional Officer, Bhagalpur Sadar cancelling the PDS shop licence of the petitioner along with others (Annexure-4), order dated 27.09.2016 passed by the Collector, Bhagalpur in Misc. Supply Appeal No. 39/2014-15 filed by the petitioner and others (Annexure-5); and the order dated 25.02.2017 passed by the Commissioner, Bhagalpur Division, Bhagalpur in Misc. (Supply) Revision Appeal No. 21/2016-17 (Annexure-6).

3. Learned counsel for the petitioner submits that the



impugned order of cancellation of his PDS license has been passed which is wholly arbitrary and unsustainable. It is submitted that the petitioner's shop was closed only for one day to enable the petitioner to deposit the coupon. Reliance is placed on a Division Bench of this Court in C.W.J.C. No. 10213 of 2010 (*Turant Lal Paswan Vs. The State of Bihar and Ors.*).

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievance of the petitioner, this Court is of the view that cancellation of the PDS license of the petitioner is unduly harsh and not commensurate with the nature of default attributed to the petitioner who was forced to keep his shop closed only for one day. A statement is made on behalf of the petitioner that no third party rights have been created in respect of the subject PDS license shop which was being operated by the petitioner.

6. In the above circumstances, the impugned order dated 26.08.2014 passed by the Sub-Divisional Officer, Bhagalpur Sadar, (Annexure-4), the appellate order dated 27.09.2016 passed by the Collector, Bhagalpur in Misc. Supply Appeal No. 39/2014-15 filed by the petitioner and others (Annexure-5); and the revisional order dated 25.02.2017 passed by the Commissioner, Bhagalpur Division, Bhagalpur in Misc. (Supply) Revision Appeal No. 21/2016-17



(Annexure-6) are hereby quashed and the writ petition stands allowed. Supplies to the petitioner shall be restored without delay by the respondent no. 4.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.04.2018
Transmission Date	N.A.

