

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.689 of 2018

=====

Agnidev Prasad, Son of Sh. Natheswar Prasad, Resident of Village & Post-Bhutauli Malpa, Panchayat-Dhutauli, Police Station-Chautham, District-Khagaria.

.... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food & Civil Supply, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate, Khagaria.
4. The Sub-Divisional Officer, District-Khagaria.
5. The Assistant District Supply Officer, Khagaria.
6. The Block Supply Officer, Chautham, District-Khagaria.

.... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
Mr. Chandan Kumar, Advocates
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21.02.2018

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

2. The present writ petition has been filed for the following reliefs:-

- (i) For issuance of writ in the nature of certiorari quashing the order contained in Memo No. 428/Anu. Aapoorti dated 11.12.2017 whereby and whereunder the Sub Divisional Officer, Khagaria has cancelled the licence of the Fair Price shop of the petitioner (Annexure-4).
- (ii) For directing the licencing authority to restore the PDS licence No. 04 C/2007 in the name of the petitioner



and for allotment of articles to the said fair price shop for distribution among the consumers.

(iii) For any other relief/reliefs to which the petitioner is entitled.

3. Learned counsel for the petitioner submits that the impugned order of cancellation of his PDS licence is wholly arbitrary and unsustainable. It is submitted that the petitioner's shop was inspected by the authorities while he was at the Kerosene oil depot at Khagaria for lifting Kerosene oil and uploading the necessary documents in that regard. Due to his absence from the shop the required registers, documents etc. could not be made available during the inspection. This fact was well within the knowledge of the Block Supply Officer, Chautham. 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 heard the parties and in the facts and circumstances of the case, 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 absent from the shop for only one day, that too in connection with lifting of Kerosene oil and uploading required documents.

6. Accordingly, the impugned order dated 11.12.2017



(Annexure-4) is hereby quashed and the writ petition stands allowed.

Supplies to the petitioner shall be restored without delay by the respondent no. 4.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2018
Transmission Date	NA

