

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10578 of 2017

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Sohan Sah, S/o Late Chedi Sah, Resident of Village-Raghopur. P.S. - Nathnagar,
District-Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna
2. The Commissioner, Bhagalpur Division, Bhagalpur
3. The District Magistrate-Cum-Collector, Bhagalpur
4. The Sub-Divisional Officer, Sadar, Bhagalpur.
5. The Block Supply Inspector, Nathnagar, Bhagarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondents : Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-05-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for quashing of the order dated 26.08.2014 passed by learned Sub-Divisional Officer, Sadar, Bhagalpur and also for quashing the order dated 27.09.2016 passed in Misc. Supply Appeal Case No. 39/2014-15 by which learned Collector, Bhagalpur dismissed the appeal and further for quashing the order dated 25.02.2017 passed in Misc. (Supply) Revision Case No. 17 of 2016-17 by which the revision filed against the order of the learned Collector was dismissed and the order of the learned S.D.O. was affirmed and for further direction to the respondent authority to



restore the license of the petitioner being license no. 01/1992.

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 in view of the fact that the petitioner had gone to Block Office 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. The stand of the petitioner has not been controverted in the counter affidavit.

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 for only one day.

6. In the above circumstances, the impugned order dated 26.08.2014 passed by the Sub-Divisional Officer, Sadar, Bhagalpur (Annexure-5); the appellate order dated 27.09.2016 passed in Misc. Supply Appeal Case No. 39 of 2014-15 by the District Magistrate, Bhagalpur (Annexure-6) and the revisional order dated 25.02.2017 passed in Misc. (Supply) Revision No. 17 of 2016-17 (Annexure-7) are 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)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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