

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5139 of 2015

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Ekdenga Primary Agriculture Credit Co-operative Society Ltd. through its Chairman Chandrabhanu Singh @ Chandra Bhan Singh, Son of Sri Lallan Singh, resident of village- Bhagwanpur, P.S. Mirganj, Anchal Hathua, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Collector, Gopalganj.
3. The Sub-Divisional Officer, Hathua, Gopalganj.
4. The Block Supply Officer, Hathua, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv

For the Respondent/s : Mr. GP22- GYAN PRAKASH OJHA

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-08-2018

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 a writ in the nature of certiorari for quashing the memo no. 2402/C dated 27.12.2014 issued under the signature of S.D.O., Hathua contained in Annexure-7 to the writ petition, whereby and whereunder the Misc. (Supply) Case No. 2/14-15 initiated on the petition of the petitioner in the light of order dated 20.06.2014 has been rejected and the order dated 27.09.2013 by which the PDS licence fo the petitioner was cancelled.*



- (ii) *For issuance of a writ in the nature of certiorari for quashing the memo no. 943 dated 27.09.2013 passed by the learned S.D.O., Hathua as contained in Annexure-4 to the writ petition, whereby and whereunder the PDS shop licence no. 5/11 issued in favour of the petitioner has been cancelled.*
- (iii) *To grant any other relief or reliefs for which the petitioner is entitled to in the facts and circumstances of the case.*

3. Learned counsel for the petitioner submits that the impugned order of cancellation of its 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 as the petitioner had some departmental work at Hathua and Gopalganj. It is further submitted that the shop was open from 7.00 a.m. to 11.00 a.m. and he distributed K. oil on the day of inspection. Reliance is placed on a decision of the 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 for only 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 27.12.2014 (Annexure-7) is hereby quashed and the writ petition stands allowed. Licence of the petitioner shall be restored without delay by the respondent no. 3.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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