

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19399 of 2014

=====

Hirdayanand Singh son of late Ramashish Singh Resident of Village - Bhawan
Tola, Khawaspur, P.S. Barhara, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur (Ara).
3. The Sub-Divisional Officer Sadar Ara (Bhojpur).
4. The Executive Officer Sadar Ara (Bhojpur).

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Majid Mahboob Khan, Adv

For the Respondent/s : Mr. ROY SHIVAJI NATH, AAG

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-07-2018

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 impugned order contained in memo no. 781 dated
10.06.2011 passed by the Sub Divisional Officer, Sadar, Ara by which
the PDS licence no. 11/2007 has been cancelled and further for
quashing of the appellate order dated 29.01.2014 passed by the
Collector-cum-Appellate Authority in Appeal No. 12/2011-12 by which



the learned appellate authority has rejected the appeal of the petitioner; and further for issuance of any other writ/writs, command/commands, order/orders, as your Lordship may deem fit and proper in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the impugned order of cancellation of his PDS licence has been passed which is wholly arbitrary and unsustainable. It is submitted that the petitioner's shop was closed only for one day as he had gone to Ara in connection with preparation of Bank draft and for depositing the same in the account of FCI. 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. 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. 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 10.06.2011 (Annexure-5) and the appellate order dated 29.01.2014 (Annexure-6) are 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
Uploading Date	31.07.2018
Transmission Date	NA

