

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10131 of 2015

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Binod Kumar son of late Ambika Prasad Singh, Resident of Village- Ratai, P.S
Roh, District Nawada.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Civil Supplies Government of Bihar, Patna.
3. The Commissioner, Magadh Pramandal , Gaya.
4. The District magistrate, Nawada.
5. The Sub-Divisional officer, Rajauli.
6. The Incharge Sub-Divisional Officer, Rajauli.
7. The District Supply officer, Nawada.
8. The Block Supply Inspector, Roh Nawada.
9. The Block Supply officer, Roh, Nawada.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate.
For the Respondents : Mr. U.S.S. Singh, GP-1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-10-2018

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 of certiorari quashing the order issued vide Memo No. 114 dated 11.01.2012 contained in Annexure-1 of the writ petition passed by learned S.D.O., Rajauli whereby and whereunder the license of P.D.S. shop of the petitioner has been cancelled.*
- (ii) For further quashing the order dated 12.04.2013*



passed by the learned District Magistrate-cum-Collector, Nawada in Appeal No. 187 (M) 12/60 (M) 2013 contained as Annexure-4 of the writ petition whereby appeal filed by petitioner against order dated 11.01.2012 passed by learned S.D.O., Rajauli has been dismissed.

(iii) For further quashing the order dated 11.12.2014 passed by Commissioner, Magadh Division, Gaya in Supply Revision No. 128/2013 contained as Annexure-5 of the writ petition whereby Revision filed by petitioner has been dismissed and requested to interfere in the order passed by the lower court.

(iv) For issuance of writ of mandamus upon the respondents to grant the relief/reliefs which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that the shop of the petitioner was closed owing to having been hospitalized at the relevant time. A doctor certificate has been enclosed with the supplementary affidavit in support of his contention. It is submitted that the authorities ought to have accepted the explanation of the petitioner but however the license of the petitioner was cancelled. The appeal and thereafter the revision preferred by the petitioner were also dismissed.

4. Learned counsel for the respondents, on the other hand, submits that the authorities have considered the case of the petitioner and found the same to be without merit. There has been no



violation of natural justice as the petitioner was called upon to file his show cause which was duly done and after grant of opportunity, the impugned orders have been passed.

5. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. It is well settled that this Court does not sit in appeal over the decision of the authorities while exercising its writ jurisdiction. The petitioner is seeking to challenge the correctness of the orders of the authorities on merits and has not been able to show any flaw in the decision making process.

6. This Court is not satisfied that any case for interference is made out. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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