

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.23377 of 2011**

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Subodh Paswan, son of Late Chano Paswan, resident of village- Khutaha, P.S.  
Lodipur, Distt. Bhagalpur

.... .... Petitioner/s

Versus

1. The State of Bihar through District Magistrate-Cum-Collector, Bhagalpur
2. The Collector, Bhagalpur
3. The Sub Divisional Officer, Sadar Bhagalpur
4. The District Supply Officer, Bhagalpur
5. The Assistant District Supply Officer, Bhagalpur
6. The Block Supply Officer, Goradih, Bhagalpur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 16-08-2018**

Present writ petition has been filed for quashing the order dated 01.04.2008 passed by Sub Divisional Officer, Sadar, Bhagalpur (Respondent No.3) as contained in Annexure-3 as well as order dated 31.08.2010 passed by learned Collector, Bhagalpur (Respondent No.2) as contained in Annexure-6 by which licence of the petitioner for Public Distribution System dealer has been cancelled; and for connected reliefs.

2. None appears on behalf of the petitioner despite repeated calls.

3. A perusal of paragraph-16 of the writ petition



discloses the main ground for the petitioner's grievance to the effect that on the date of inspection (12.02.2005), the petitioner had fallen ill and had gone to visit his doctor and, hence, mere closure of shop of one day ought not to have resulted in cancellation of the licence.

4. Learned counsel for the respondents, on the other hand, opposes the writ petition and submits that the impugned order of cancellation has not been passed for the solitary reason that the shop was closed for one day. It has been noticed that the petitioner failed to inform any of the authorities nor mentioned on the Notice Board of the shop with regard to his absence on the date of inspection or the reason of such absence. It has also been noted that despite request, the family members of the petitioner did not produce the key nor documents relating to the P.D.S. shop of the petitioner and, hence, the Inspecting Officials were not provided the required information, contrary to statutory provisions. It is, therefore, submitted that the impugned order of cancellation has been passed by reason of violation of Section 9 and Section 30(1) of the Bihar Trade Articles Licenses Unification Order, 1984.

5. Having perused the averments in the writ petition and upon consideration of the submissions made on behalf of the respondents, this Court does not find any merit in the writ petition. A perusal of the impugned order of cancellation dated 01.04.2008



(Annexure-3) discloses that the petitioner’s P.D.S. licence has been cancelled not merely for the reason of closure for one day but for the other reasons as well, which constitutes violation of the statutory provisions. The impugned order dated 31.08.2010 (Annexure-6) passed by the Collector, Bhagalpur is a well reasoned one after duly considering the facts and circumstances of the case in detail. This Court, therefore, finds no reason to interfere in the matter.

6. This writ petition is dismissed.

**(Vikash Jain, J)**

N.H./- Sanjeev

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