

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4810 of 2018

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Sarita Devi, wife of Surya Narayan Yadav @ Sury Kumar Prasad Yadav, r/o.
vill. Alauli, P.S. Alauli, Dist. Khagaria, PDS Shop Keeper, Alauli.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supply Department, Bihar, Patna.
2. The Collector, Khagaria
3. The District Manager, Food & Civil Supplies, Bihar, Patna.
4. The District Supply Officer, Khagaria
5. The Sub-divisional Officer-cum-Licensing Authority, Khagaria.
6. The Block Supply officer, Alauli Block, Khagaria.
7. The Assistant Godown Manager, Alauli, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Respondent/s : Mr. ARVIND UJJWAL- SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order contained in memo no. 804 dated 11.11.2011 passed by the Sub-Divisional Officer, Khagaria as also the appellate order dated 06.09.2016 in Supply Appeal No. 22/2011-12 passed by the District Magistrate, Khagaria by which licence of the petitioner's Fair Price shop bearing no. 119A/2007 has been cancelled and monthly allotment has been stopped; and further to restore the petitioner's licence.

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 to enable the petitioner to seek medical treatment. 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 her shop closed for only one day.

6. In the above circumstances, the impugned order dated 11.11.2011 (Annexure-1) and the appellate order dated 06.09.2016 (Annexure-5) are hereby quashed and the writ petition stands allowed. Supplies to the petitioner shall be restored without delay by the respondent no. 5 .

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2018
Transmission Date	NA

