

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2614 of 2019

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Niranjan Paswan @ Niranjan Kumar, about 48 years, Male, S/o Late Ramrikh Paswan, Resident of Village- Chouri, P.S. Sakri, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Madhubani.
3. The Sub Divisional Officer, Sadar, Madhubani.
4. The Block Supply Officer, Pandaul, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjaya Nath Tiwari, Adv. Preety Kunwar, Adv.
For the Respondent/s	:	Mr.S.Raza Ahmad, AAG 5. Mr. Alok Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner in this case is aggrieved by the order as contained in Memo No.1122 dated 19.12.2018 by which the Sub-Divisional Officer, Sadar Madhubani has taken a decision to cancel the licence of the Public Distribution System Shop of the petitioner with immediate effect. The facts disclosed in the impugned order as contained in Annexure '3' would show that there were certain complaints against the petitioner in the public meeting of the Minister of Food and Civil Supplies Department, Government of Bihar held on 09.05.2018 and 10.05.2018. After



an enquiry with respect to the allegations when the petitioner was called upon to show cause, he submitted his show cause with the affidavits of the beneficiaries who had not supported the allegations against the petitioner. The villagers had also given a written and signed application saying that the allegations against the petitioner were false.

The Sub-Divisional Officer, Sadar, Madhubani has himself recorded in the impugned order that in course of verification from the beneficiaries/consumers they did not lodge any complaint against the petitioner and they asserted that the rations were being supplied to the beneficiaries properly but having said so, the Sub-Divisional Officer proceeded to reject the show cause of the petitioner only by saying that because in the meeting of the Minister, Food and Civil Supplies Department, Government of Bihar, the complaints were made by some of the consumers, the show cause is not fit to be accepted.

Learned counsel for the State submits that prima-facie it appears that the Sub-Divisional Officer, Sadar, Madhubani had verified the complaint of the beneficiaries who had not supported the allegations.

Having heard learned counsel for the parties, this



Court finds that the order as contained in Annexure '3' to the writ application is not sustainable in law, inasmuch as, the order is not supported by the materials which were revealed in course of investigation/enquiry. If the Sub-Divisional Officer had himself verified the matter from all the consumers and found that the consumers were not supporting the allegations and they had rather asserted that the foodgrains and the kerosene oil were being supplied properly, there was no reason for the Sub-Divisional Officer, Sadar, Madhubani to reject the show cause of the petitioner only because certain consumers had allegedly made complaint before the Minister in course of the public meeting earlier. This Court cannot agree with the reasoning and rationale provided in the impugned order. The impugned order is, thus, quashed.

The writ application is allowed.

The licence of the petitioner is restored forthwith.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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