

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4491 of 2019

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Manshi Sah S/o Bhola Shah Resident of Sukhlahi, P.O and P.S- Bhaluahia,
District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Secretary Food and Civil Supply
Govrnment of Bihar New Secretariat, Patna
2. The District Magistrate, Distt- West Champaran Bettiah
3. The Sub Divisional Officer, Narkatiaganj West Champaran at Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Mishra, Adv. Ms. Priya, Adv.
For the Respondent/s	:	Mr.U.P.Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-07-2019 Heard learned counsel for the petitioner and the

State.

Petitioner, in the present case, is aggrieved by and
dissatisfied with the memo no.82 dated 28.01.2019 issued under
the signature of the Sub-Divisional Officer, Narkatiyaganj, West
Champaran, Bettiah (respondent no.3) by which the fair price
shop licence of the petitioner has been cancelled.

Learned counsel for the petitioner submits that the
impugned order, as contained in Annexure-4 to the writ
application, is fit to be quashed on the solitary ground that it has
been passed on the views expressed by the Block Supply
Officer, Mainatand. It is submitted that a bare perusal of the



impugned order would show that when the petitioner submitted his explanation, the same was sent to the Block Supply Officer and the Block Supply Officer submitted a report in which he rejected the explanation of the petitioner and recommended for cancellation of the licence. It is submitted that the Sub-Divisional Officer with whom the power to cancel the licence is vested under the Statute has not conducted any enquiry, he has not even verified the statements of the beneficiaries who are said to have made statements against the petitioner and further he proceeded to pass the impugned order only on the basis of what was reported to him by the Block Supply Officer, Mainatand.

Learned counsel for the State is present and submits that from the impugned order it appears that the Block Supply Officer had in his report rejected the explanation of the petitioner and had recommended for cancellation of the licence, therefore this exercise undertaken by the Block Supply Officer, Maintand recommending for cancellation of licence was prima-facie not within the jurisdiction and therefore the matter may be remanded to the Sub-Divisional Officer, Narkatiyaganj for fresh consideration and independent exercise of his mind.

In the given facts and circumstances of the case, this



Court finds from the records that the submissions of the learned counsel for the petitioner has got substance. The Sub-Divisional Officer has passed the impugned order solely on the basis of the report of the Block Development Officer, Mainatand without conducting any enquiry at his own level and also without verification of the statements of the beneficiaries who are said to have made allegation against the petitioner. The impugned order as contained in Annexure-4 is therefore set aside. The matter is remitted to the Sub-Divisional Officer, Narkatiyaganj for fresh consideration. The Sub-Divisional Officer shall consider the explanation of the petitioner and after conducting enquiry and verification etc. will pass a reasoned order within a period of 90 days from the date of receipt/production of a copy of this order.

In the meantime, the licence of the petitioner shall stand restored.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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