

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4393 of 2019

Umakant Yadav Son of Baleshwar Yadav, Resident of Village- Brahma, Post-
Balaha Bazar, Panchayat- Dhatauli, Police Station- Chautham, District-
Khagaria.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate, Khagaria.
4. The Sub-Divisional Officer, District- Khagaria.
5. The Block Supply Officer-cum-Marketing Officer, Chautham, District- Khagaria.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is aggrieved by the order as contained in Memo No. 50 dated 29.01.2019 passed by Sub-Divisional Officer, Khagaria (Annexure '4' to the writ application) by which the license of the P.D.S. shop of the petitioner has been cancelled.

Learned counsel for the petitioner submits that earlier the shop of the petitioner was inspected on 19.01.2019. The shop of the petitioner was found closed, thereafter the petitioner was served with Memo No. 36 dated 19.01.2019 (Annexure '2')



calling upon the petitioner to submit his explanation within twenty four hours, failing which his license of the P.D.S. shop shall be cancelled. The petitioner submitted his explanation, however, the same has been rejected by simply stating that the explanation seems not to be correct. It is submitted that prior to passing of the impugned order the Sub-Divisional Officer had not even enquired into from the beneficiaries. He has relied upon the allegations contained in the inspection report. It is submitted that once the petitioner had submitted his explanation against the inspection report and he had denied the allegations, the Sub-Divisional Officer should have at least called upon those beneficiaries for verification of their statements which has not been done in the present case. Petitioner has brought on record some affidavits by way of Annexure '5' series which have been sworn after passing of the impugned order in which some of the beneficiaries have made statements in favour of the petitioner and had further stated that no written statements were taken from them in course of the inspection by the Block Supply Officer.

Learned counsel for the State is present and submits that in the given facts, instead of calling for a counter affidavit, this Court may dispose off the same directing the Sub-



Divisional Officer, Khagaria to take a fresh view of the matter after conducting proper enquiry.

In the given facts and circumstances of the case, this Court finds substance in the submissions of the learned counsel for the petitioner, inasmuch as it would appear from the impugned order that the Sub-Divisional Officer has proceeded to pass the order of cancellation of license without conducting any enquiry and even without calling upon the beneficiaries for verification of their statements. The petitioner had denied the allegations, therefore, the least which was required from the Sub-Divisional Officer was to enquire into the matter by at least calling upon the beneficiaries who had allegedly made allegations before the Block Supply Officer, for verification of their statements and other materials. Nothing of that sort has been done before passing of the impugned order. Thus, the impugned order as contained in Memo No. 50 dated 29.01.2019 (Annexure '4') is, hereby, set aside. The matter is remitted to the Sub-Divisional Officer, Khagaria for a fresh consideration of the explanation submitted by the petitioner and for passing a fresh order after conducting an appropriate enquiry including verification of the statements of the beneficiaries.

Let the whole exercise be completed within 90 days



from the date of receipt/production of a copy of this order.

In the meantime, the license of the petitioner stands restored.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

ved/vats

U			
---	--	--	--

