

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5752 of 2019

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Rameshwar Singh S/o Late Shiv Prasad Singh R/o- Dhavari, Chakpir, P.S.
Baniyapur, District Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Commissioner, Saran Division at Chapra.
3. The District Collector Saran at Chapra.
4. The Sub- Divisional Officer Sadar Chapra, District- Saran at Chapra.
5. The Principal Secretary, Food and Civil Supplies Department Bihar, Patna.
6. The Block Supply Officer Block- Baniyapur, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha
For the Respondent/s : Mr. Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-12-2019 Heard Mr. Samrendra Kumar Jha, learned

counsel for the petitioner and Mr. Upendra Pratap Singh,

learned counsel for the State.

The petitioner has challenged the order passed

by the Sub-Divisional Officer, Saran, whereby the PDS

license of the petitioner has been cancelled as well as



the order passed in appeal, whereby the order of cancellation of license of the petitioner has been affirmed. The order passed by the Commissioner, Saran Division, Chapra in Supply Revision No. 72 of 2017, by which, again, the appellate order has been upheld, has also been challenged in the present petition.

It appears that the shop of the petitioner was inspected on 19.12.2014 by the Block Supply Officer, Baniyapur. Several irregularities were found and a show cause notice was served upon him. The petitioner is said to have replied to the aforesaid show cause notice, in which the grounds contained therein did not satisfy either the licensing authority or the appellate authority. The complaint against the petitioner is of not distributing foodgrains to *Antyodaya* Card holders and of charging one rupee extra per kg. of grains from the poor strata of society who are to be treated as beneficiaries under the *Antyodaya* Scheme. There has been some irregularities in the distribution of Kerosene oil also about which the



inspection report is very specific.

Learned counsel for the petitioner submits that neither the SDO nor the appellate as well as the revisional authority had addressed themselves to the issue that the details of the complaints of the customers have not been provided and therefore in the absence of such unsubstantiated allegation, no proper explanation could have been given by the petitioner.

Since the inspection report is very specific, it was for the petitioner to explain whether the allegations were correct. With the factual position having been assayed by three authorities, this Court is not inclined to interfere with the aforesaid orders. Any breach of the condition of license which disturbs the supply to the poor and needy cannot be countenanced under any ground whatsoever.

Considering the fact that at three stages, the defence of the petitioner was taken into consideration and a speaking order was passed, it would not be



appropriate for this Court to interfere with the orders
impugned.

The petition is dismissed.

(Ashutosh Kumar, J)

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