

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7726 of 2019

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Mithilesh Singh, Son of late Rajeshwar Singh, Resident of Village- Goraiya,
P.S. Kudhani, Distt. Muzaffarpur, P.D.S. dealer Panchayat Daubiyahi,
Resident of Village- Daubiyahi P.S. Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal, Secretary Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Sub-Divisional Officer, West Muzaffarpur.
3. The Block Statistical Supervisor, Kudhani.
4. The Block Supply Officer, Kudhani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-06-2019 Petitioner, in the present case, is seeking quashing of the order vide memo no.230 dated 05.03.2019 issued under the signature of respondent no.2 i.e. the Sub-Divisional Magistrate, West Muzaffarpur whereby and whereunder the licence of the petitioner has been cancelled.

Learned counsel for the petitioner submits that the respondent no.2 had issued memo no.1444 dated 14.12.2018 calling upon the petitioner to show cause as to why the licence of the Public Distribution Shop of the petitioner be not cancelled for the various reasons including that he was not distributing the kerosene oil regularly among the consumers and was charging more price than the prescribed one. It is submitted that in the



show cause notice the respondent no.2 mentioned name of two consumers namely Rajiv Paswan and Pinki Devi who had already died. The concerned ward member has granted certificate that Rajiv Paswan had died at least eight years ago when the family member of Pinki Devi had provided death certificate of Pinki Devi to the petitioner. It is submitted that apparently the show cause notice issued to the petitioner did not contain true and correct fact and without there being a proper enquiry on the mere allegations the licence of the petitioner has been cancelled.

Learned counsel has produced before this Court a copy of the judgment dated 27.05.2019 passed by a learned coordinate Bench of this Court in CWJC No.24739 of 2018 (Baleshwar Mahto Vs. State of Bihar and Ors.). It is submitted that in almost similar circumstance, the said writ application was allowed and the matter was remitted to the respondent no.2 to consider the allegations afresh after giving an opportunity of hearing to the petitioner in the said case as also a copy of the enquiry report.

Learned counsel for the State accepts the factual position and submits that this case would be covered by the judgment dated 27.05.2019 passed in CWJC No.24739 of 2018.



It is submitted that the matter may be remitted to the respondent no.2 for fresh consideration.

In the given facts and circumstances of the case and the admitted position, let the impugned order, as contained in Annexure-1 to the writ application, be quashed. The matter is remitted to the respondent no.2 for fresh consideration after giving an appropriate opportunity of hearing to the petitioner. Let the whole exercise be completed in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

In the meantime, let the licence of the PDS shop of the petitioner be restored.

The writ application stands allowed.

(Rajeev Ranjan Prasad, J)

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