

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23540 of 2019

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Vinod Shankar Singh @ Vinod Singh Son of Siyaram Singh, Resident of Village-Gonahi, P.O. Mathiya Vrit, P.S. Chhauradano, Gonahi, District-East Champaran, Motihari, Pin Code-845302.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, East Champaran, Motihari.
3. The Sub-Divisional Officer, Raxaul, East Champaran, Motihari.
4. The Assistant District Supply Officer, Raxaul, East Champaran, Motihari.
5. The Block Supply Officer, Chhauradano, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sriram Krishna
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-11-2019

Heard Mr. Sriram Krishna, learned advocate for the petitioner and Mr. Marut Nath Roy, learned advocate for the State.

The petitioner has challenged the order dated 03.09.2019 passed by the Collector-cum-District Magistrate, East Champaran, Motihari in Supply Appeal No. 95 of 2017, whereby the cancellation of the PDS license of the petitioner by the concerned Sub-Divisional Officer has been affirmed and upheld.



Learned counsel for the petitioner has submitted that from the perusal of the order impugned, it would appear that it is only a reiteration of the grounds which had weighed with the Sub-Divisional Officer in canceling his PDS license. The other grounds which have been urged, while canvassing this case, are that the proceedings were initiated against the petitioner on the basis of a complaint made by one Rajeshwar Pandey, which complaint was never made available to the petitioner. Apart from this, it has been submitted that many of the customers who were tagged with the shop of the petitioner, clearly averred that they had no complaint against the working of the PDS shop of the petitioner.

It has also been urged that the enquiry which is said to have been undertaken is a sham and that no physical enquiry was ever held from the villagers. The aforesaid objections were also raised by the petitioner in his show cause reply.



From the records, it appears that the shop of the petitioner was inspected on 30.09.2016. During the course of inspection, the stock register was not produced before the raiding team on the pretext of the same having been locked in an almirah, the keys of which had been taken away by the son of the licensee to Motihari. Even later, the stock register was not produced for the inspection of the authorities. Though some of the customers have spoken about their having been provided with the subsidized items in accordance with their entitlement but some of the customers have categorically stated that they were provided with the ration for one month and were made to append their signatures for having received for two months.

Apart from this, the statement of the licensee that he had not lifted the foodgrains of the month of September was specifically found to be incorrect on enquiry from the website of the department. These and other grounds which have been noted down in the order



impugned weighed with the Collector in upholding the order of the Sub-Divisional Officer in canceling the license of the petitioner.

The order does not appear to be either perverse or suffering from the vice of non-application of mind or a non-speaking order.

The petitioner has not been able to make out any case for interference with the order impugned.

There is thus no merit in this petition and the same is dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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