

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1523 of 2020

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Udham Singh, S/o Chandra Mani Singh, R/o Village Rampur, P.S. Garahani,
District Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-cum- District Magistrate, Bhojpur at Ara.
2. The Addl. Collector, Bhojpur at Ara.
3. District Supply Officer, Bhojpur at Ara.
4. Assistant District Supply Officer, Bhojpur at Ara.
5. Sub-Divisional Officer (Supply), Bhojpur at Ara.
6. In- Charge Block Supply Officer, Garahani, District Bhojpur at Ara.
7. Block Supply Inspector, Garahani, District Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.
For the Respondent/s : Mr. S.Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 18-02-2020

The petitioner has challenged the order dated 09.01.2020, contained in Memo No. 19, passed by the Sub-Divisional Officer (Supply), Bhojpur at Ara/licensing authority, whereby the licence of the petitioner has been cancelled.



2. From the perusal of the order impugned, it appears that the petitioner was earlier warned of serious consequences in case he did not run the PDS shop in accordance with the conditions prescribed under the Bihar Targeted Public Distribution System (Control) Order, 2016. Despite this, it was found that the petitioner was defaulting and had not distributed the food-grains. The shop of the petitioner was again inspected on 07.01.2020 by the In-charge Block Supply Officer, wherein it was found by him that the food-grains/essential items had been stored in a cow-shade, which did not look like a godown attached to the public distribution shop. It was also learnt that the targeted population attached to the shop of the petitioner was misled into believing that food-grains would be distributed only after verification. On this charge, the licence of the petitioner has been cancelled by the order impugned.

3. Learned counsel for the petitioner has submitted that whatever may have been the report of the Inquiry Officer, the petitioner should have had been given



an opportunity of explaining his cause. It has further been submitted that without any notice to him after the inspection of his shop on 07.01.2020, order of cancellation of licence becomes suspect in the eyes of law. It has further been submitted that the E-POS machine which was handed over to the petitioner had some inherent defects and on the complaint of the petitioner, he was assured that necessary repairs would be carried out in the aforesaid machine. The petitioner did not get any opportunity of raising these issues and merely on the report of the In-charge Block Supply Officer, which report has never been furnished to the petitioner, the licence of the petitioner has been cancelled.

4. From the perusal of the order impugned, what emerges clearly is that the petitioner has not been noticed. The petitioner has a right to explain his cause and any order which accrues positive disadvantage to the petitioner cannot be passed without issuance of notice.

5. For the aforesaid reasons, the impugned order does not appear to be sustainable and, therefore,



perforce, this Court sets it aside.

6. The matter is remitted to the Sub-Divisional Officer (Supply), Bhojpur at Ara/licensing authority to give a notice to the petitioner along with the inquiry report and reasonable time and opportunity for him to explain his cause. Such notice shall be issued to the petitioner within a period of fifteen days of the receipt/production of a copy of this order.

7. The licensing authority shall advert to the show-cause reply which would be filed by the petitioner within a reasonable period of time and shall pass a reasoned order in accordance with law and which order shall be communicated to the petitioner forthwith. The entire exercise shall be completed within a period of three months from the date of receipt/prosecution of a copy of this order.

8. The petitioner shall also make an application before the licensing authority seeking permission for distributing the food-grains which are lying in the store of the petitioner. Necessary order shall be



passed on such application by the licensing authority during the pendency of the proceeding before him.

9. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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