

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3197 of 2020

=====

Siyawati Kumari @ Siyawati Devi @ Siyamati Devi W/o Santosh Kumar
Yadav, Resident of Village-Bhaluahi, Rupahra, P.S. Chiraiya, District-East
Champaran at Motihari.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate, East Champaran (Motihari).
3. The Sub Divisional Officer, Sikarahna, Dhaka, District-East Champaran (Motihari).
4. The District Supply Officer, East Champaran (Motihari).
5. The Block Supply Officer, Chiraiya, District-East Champaran (Motihari).
6. The Circle Officer, Bankatwa, District-East Champaran (Motihari).

... .. Respondents

=====

Appearance :

For the Petitioner : Mr.Ajay Kumar Sinha, Adv.
For the Respondents : Mr.S.Raza Ahmad (AAAG5)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2020 Heard the learned counsel for the petitioner and the
learned counsel for the respondents.

The present writ petition has been filed for quashing
the order dated 14.09.2019 passed by the Sub Divisional
Officer, Sikarahna, Dhaka, East Champaran (Motihari), whereby
and whereunder the fair price license of the petitioner bearing
license No. 06 of 2018 has been canceled.

The short issue raised by the learned counsel for the
petitioner is that a bare perusal of the show cause notice dated
14.06.2019 would show that only three days time has been



granted to the petitioner to submit her reply. The next issue raised by the learned counsel for the petitioner is that the punishment of cancellation of license is harsh and excessive, inasmuch as, the same has been inflicted only for the reason that the shop of the petitioner was closed for one day, for which plausible reason has already been furnished by the petitioner to the effect that her daughter was ill on the said date. In this connection, the learned counsel for the petitioner has relied upon two judgments, firstly, the one reported in 2013 (1) PLJR 718 (Fulpati Devi vs. State of Bihar) and secondly, the one reported in 2012 (3) PLJR 583 (Turant Lal Paswan vs. State of Bihar).

The learned counsel for the State has got no quarrel in Law.

Having regard to the facts and circumstances of the case, considering the submission advanced by the learned counsel for the parties and considering the judgment rendered in the case of Turant Lal Paswan (supra), this Court finds that the punishment of cancellation of the fair price license of the petitioner, inflicted vide order dated 14.09.2019, passed by the Sub Divisional Officer, Sikarahna, Dhaka, is disproportionate to the alleged breach of terms and conditions of licence i.e. closure of



the shop in question for one day, which in any view of the matter is not such a grave violation so as to entail cancellation of licence, thus the order impugned dated 14.09.2012 is not sustainable in the eyes of law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

K.K.RAO/-

U			
---	--	--	--

