

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8070 of 2019

Netlal Rai @ Netlal Ray, aged about 60 years, Gender-Male, Son of Ram Das Ray, R/o Village-Bariyarpur, P.s. Bakhtiyarpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department, Old Secretariat, Patna.
2. The District Magistrate, Patna.
3. The A.D.S.O., Barh, Patna.
4. The Block Supply Officer, Bakhtiyarpur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Respondent/s : Mr. Arbind Ujjwal (SC-4)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 07-01-2020

The licence of the petitioner under the Public Distribution System has been cancelled by the Sub-Divisional Officer, Barh on 28.02.2019.

2. From the order impugned, it appears that a complaint was made by some of the customers tagged with the shop of the petitioner, which, on enquiry, was found to be partially correct and the petitioner was given a strict



warning to run his P.D.S. shop in accordance with the rules in that regard. This did not satisfy the complainants, who took the matter to the Public Grievance Redressal Cell, whereafter a proceeding was initiated against the petitioner.

3. The petitioner appears to have replied to the show-cause notice and in such reply, amongst other grounds, it has primarily been asserted that the complainants are no longer tagged with the P.D.S. shop of the petitioner, rather, on their choice, they have been tagged with another shop. In that view of the matter, any complaint by them was irrelevant and the allegations put up by them could not have been saddled on the petitioner.

4. This aspect of the matter does not appear to have engaged the attention of the licensing authority or at least, the aforesaid issue has not at all been answered in the impugned order. The Sub-Divisional Officer, Barh has only stated that the explanation offered by the petitioner and the documents furnished in support of the contention so raised as also the certification of the local *Mukhiya* is not fit to be accepted.



5. No reason has been assigned for rejecting the aforesaid grounds of the petitioner. This makes the order impugned highly suspect and unsustainable in the eyes of law. As such, the same cannot be sustained and is set-aside.

6. The matter is remitted to the concerned respondent, viz., the Sub-Divisional Officer, Barh for writing out a fresh reasoned order in accordance with law, after adverting to all the grounds raised on behalf of the petitioner, within a period of six weeks of the receipt/production of a copy of this order.

7. 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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