

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23792 of 2019

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Indrajeet Ram, S/o Badri Ram Resident of Village- Dariyaour Prem, P.s.-
Paliganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The District Magistrate Patna
3. The Sub Divisional Officer Paliganj, Patna, Bihar
4. The Block Supply Officer Block- Paliganj, District- Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Prasad
For the Respondent/s : Mr. S.Raza Ahmad (AAG5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-12-2020 Heard Ms. Vijya Lakshmi Srivastava, learned

counsel for the petitioner and Mr. Alok Ranjan, learned

AC to AAG-5.

The license of the petitioner was cancelled by

order dated 10.10.2017 by the licensing authority,

namely, Sub-Divisional Officer, Paliganj. Against the

afore-stated order, a writ petition was filed before this

Court *vide* C.W.J.C. No. 15323 of 2017, in which it was

directed that in view of the alternative remedy, the

petitioner would be well advised to avail of such remedy.



This Court also directed that in case an appeal is filed, the authority would have regard to the facts of the case and would also consider the issues relating to condonation of delay, if applicable.

Armed with the aforesaid order of this Court, an appeal was filed by the petitioner before the District Magistrate, Patna *vide* EC Appeal No. 649 of 2017/18, which too was dismissed *vide* order dated 22.06.2019.

The challenge in the present proceeding is to the aforesaid order passed by the appellate authority.

From perusal of the appellate order, it appears that the allegation with respect to non-disbursement of foodgrains for various months; taking resort to tampering with the store register by means of a whitener and the complaints made by the beneficiaries were proved. Two of the beneficiaries attached to the PDS of the petitioner have given their complaints in writing that the foodgrains are not disbursed on time and they are misbehaved with. During the course of enquiry, it was



found that wheat and rice were not available in the requisite quantity in the store which reflected that the same had been misappropriated or sold in black market.

The explanation of the petitioner that the foodgrains are not lifted by the licensee but are delivered to them through home step delivery agency has not been accepted. It was found by the appellate authority that the date on which the foodgrains were delivered to the licensee by the delivery agency, it was received on the same date. The accusation of the licensee that he is being harassed because he comes from weaker section of the society has also not been accepted by the appellate authority as such a statement has been made without any evidence in that regard. The use of whitener in the store register also confirmed the accusation against the petitioner.

In any view of the matter, the order passed by the licensing authority and also the appellate authority do not call for any interference by this Court.



The petition is dismissed.

However, the dismissal of this petition would not come in the way of the petitioner preferring a revision petition before the concerned Divisional Commissioner.

In case such a petition is filed within a reasonable time; such petition shall be considered on its own merits, without being prejudiced by the fact that the present petition has not been entertained by this Court and has been dismissed.

(Ashutosh Kumar, J)

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