

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21547 of 2019

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Mohan Singh, Son of Jaglal Singh, Resident of Hasanpur, Panchayat Vaishali,
Block Vaishali, P.S.-Hasanpur, Nandlalpur, District-Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. The District Magistrate-cum-Collector, Vaishali, District-Vaishali.
3. The Sub Divisional Officer, Hajipur, Vaishali, District-Vaishali.
4. The Block Supply Officer, Vaishali, District- Vaishali, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Respondent/s : Mr.Upendra Pratap Singh AC to (SC4)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-12-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner has filed this writ petition for quashing the order dated 11.09.2019 passed by the Sub Divisional Officer, Vaishali, Hajipur in Supply Case No. 41/2019 (Annexure-4) by which P.D.S license of the petitioner has been cancelled.

The learned counsel for the petitioner submits that the S.D.O issued show cause notice to the petitioner on 01.06.2019 and there are three sorts of allegation. The petitioner filed detailed reply to the show cause along with relevant documents but the show cause reply of the petitioner has been rejected on



the basis of irregular entries made in the register but no irregularity was found with regard to complaint made by the complainant against the petitioner. It is submitted that it would appear from the order of the S.D.O that the complainant also appeared and submitted that dispute has already been resolved but altogether on a different allegation that wrong entries were made in the register, which is violative of Rule 14 (I), 14(xi) and 25(1) (Gha) of Bihar Targeted P.D.S. (Control) Order, 2016, the license of the petitioner has been cancelled.

The learned counsel for the State submits that there is provision of statutory appeal but the petitioner has not availed the statutory remedy.

The learned counsel for the petitioner submits that the order has been passed in violation of principles of natural justice, therefore, alternative remedy cannot bar the petitioner to move this court under Article 226 of the Constitution of India.

Having considered the submissions of both sides and on perusal of the records as well as the order of the S.D.O., it appears that the first allegation is that foodgrains for the month of March, 2019 was given on 03.04.2019 but the licensee entered in ration card that foodgrains was given for the month of April, 2019 also. Second allegation is that kerosene oil is given



only for six months and when other remaining ration was demanded the petitioner misbehaved with the consumers. It appears from perusal of the order of S.D.O that the petitioner was not found guilty of any of the allegation on which show cause was asked but the S.D.O came to a different finding on the basis of entries made in the register that some wrong entries were made. It also appears that no further show cause was given to the petitioner with regard to such wrong entries made in the register. Therefore, the order canceling license of the petitioner without any show cause is violative of principles of natural justice and the order is not sustainable. Accordingly, the order dated 11.09.2019 passed by the Sub Divisional Officer, Vaishali, Hajipur in Supply Case No. 41/2019 (Annexure-4) is set aside. This writ petition is allowed. The matter is remitted to the Sub Divisional Officer, Vaishali, Hajipur to pass order afresh, in accordance with law, after hearing the parties within four months from the date of receipt of this order.

With the aforesaid order, this writ petition is allowed.

(Prabhat Kumar Jha, J)

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