

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 1187 of 2020

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Sugandhi Kumari, wife of Madan Patel, resident of Kobeya, ward 2, Kubeya
P.S. Harshidhi, East Champaran, District- Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Government
of Bihar New Secretariat Patna.
2. The District Magistrate East Champaran Motihari.
3. The Sub Divisional Officer Areraj East Champaran Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

CAV JUDGMENT

Date : 06-08-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

2. The present writ petition has been filed for quashing the order dated 27.10.2018 passed by the Sub-Divisional Officer, Areraj, East Champaran whereby and whereunder the licence of the public



distribution system shop of the petitioner bearing licence no. 4/2016 has been cancelled.

3. The brief facts of the case are that the petitioner is a public distribution system licence dealer, who is running a PDS shop. A show cause notice dated 4.10.2018 was issued to the petitioner by the Sub-Divisional Officer, Areraj, East Champaran, requiring the petitioner to submit her clarification / reply with regard to the irregularities found during the course of inspection and in fact, the inspection report was also enclosed therein. The petitioner had then filed her reply dated 8.10.2018. The Sub-Divisional Officer, Areraj, East Champaran, had found the reply of the petitioner to be unsatisfactory, hence, by a second cause notice dated 13.10.2018, the petitioner was asked to submit her reply as to why her licence be not cancelled. The petitioner had again submitted a detailed reply dated 22.10.2018, whereafter the impugned order dated 27.10.2018 has been passed by the Sub-Divisional Officer, Areraj, East Champaran, cancelling the PDS licence of the



petitioner herein. The petitioner had then filed an appeal bearing Appeal No. 19 of 2018 before the learned court of Collector-cum-District Magistrate, East Champaran, Motihari, however, the same has also stood dismissed by an order dated 29.11.2019.

4. The learned counsel for the petitioner has raised two issues, firstly that the inquiry report was not supplied to the petitioner and secondly that the order passed by the Sub-Divisional Officer, Areraj, East Champaran, dated 27.10.2018 is an unreasoned order, hence, stands vitiated in the eyes of law.

5. Per contra, the learned counsel for the Respondent-State has submitted that a photocopy of the inquiry report was enclosed with the said show cause notice dated 4.10.2018 and in fact, in her show cause reply dated 8.10.2018, the petitioner has nowhere raised the issue of the inquiry report having not been supplied to her. It is further pointed out that in the reply submitted by



the petitioner to the second cause notice on 22.10.2018 as well, no issue was raised with regard to non-supply of the inquiry report, hence, raising of such a non-existent issue, at this juncture, in the present writ petition, is not only contrary to the records but also amounts to misleading this Court. It is further submitted that both the original order dated 27.10.2018 and the appellate order dt. 29.11.2019 are well reasoned and a speaking order, hence, require no interference by this Court.

6. I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that the inspection report was definitely supplied to the petitioner along with the show cause notice dated 4.10.2018 and the best proof thereof is that the petitioner, in her replies dated 8.10.2018 and 22.10.2018, had nowhere raised the issue regarding non-supply of the inquiry report, hence, it can safely be inferred that the petitioner had been supplied with the inquiry report and now, a false plea has been raised in the



present writ petition regarding non-supply of the inquiry report only with a mala fide intention of somehow obtaining a favourable order from this Court, which is deprecated. This Court further finds from a bare perusal of the order dated 27.10.2018 passed by the Sub-Divisional Officer, Areraj, East Champaran, as also the appellate order dated 29.11.2019 passed by the Collector-cum-District Magistrate, East Champaran, Motihari, that the same are well reasoned, self-speaking and furnish cogent and succinct reasons for arriving at a decision regarding cancellation of the PDS licence of the petitioner, hence, in the opinion of this Court, the impugned orders dated 27.10.2018 and 29.11.2019 do not suffer from any infirmity.

7. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present writ petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR

AFR



CAV DATE	30.07.2021
Uploading Date	06.08.2021
Transmission Date	NA

