

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3832 of 2020

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Anirudh Sharma Son of Late Balram Singh Resident of Village- Balbhadra Sarai, Panchayat- Kawa, P.O. and P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Nalanda.
3. The Sub-Divisional Officer, Hilsa Sub Division, District- Nalanda.
4. The Block Supply Officer, Hilsa Block, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 08-02-2021

The present writ petition has been filed for quashing the order dated 14.02.2017 passed by the learned Sub-Divisional Officer, Hilsa, District-Nalanda, cancelling the license of the public distribution system shop of the petitioner as also the appellate order dated 08.11.2019 passed in Supply Case No. 8 of 2017, by the learned District Magistrate-cum-Collector, Nalanda, whereby and whereunder the Appeal filed by the petitioner has been rejected.

The brief facts of the case are that the petitioner is running a P.D.S. shop after being granted a license bearing P.D.S. License No. 11 of 2007, however, on account of certain complaint,



a show cause notice dated 27.12.2016 was issued by the Sub-Divisional Officer, Hilsa, Nalanda, whereupon the petitioner had filed his reply and then the Sub-Divisional Officer, Hilsa, Nalanda by an order dated 14.02.2017 had cancelled the P.D.S. license of the petitioner. The petitioner is stated to have filed an appeal, which was registered as Supply Case No. 8 of 2017 and then the learned Collector, Nalanda by an order dated 30.08.2019 had called for an enquiry report from the Sub-Divisional Officer, Hilsa, Nalanda who had submitted the same by his letter dated 14.10.2019 and then the District Magistrate-cum-Collector, Nalanda has passed the impugned order dated 08.11.2019 rejecting the appeal of the petitioner herein.

The short point raised by the petitioner is that the learned District Magistrate-cum-Collector, Nalanda while passing the impugned order dated 08.11.2019 has not taken into account the enquiry report dated 14.10.2019, submitted by the Sub-Divisional Officer, Hilsa, Nalanda despite the same being referred to by the petitioner herein, wherein it has been stated that there is no complaint against the functioning of the P.D.S. shop of the petitioner herein, hence it is submitted that the impugned order dated 08.11.2019 is perverse and is fit to be set aside.

The learned counsel for the State, though has not disputed the factual aspect of the matter but has submitted that the



impugned order dated 08.11.2019 is a reasoned and a self speaking order, hence requires no interference.

I have heard the learned counsel for the parties and have gone through the materials on record. This Court finds that the enquiry report dated 14.10.2019, submitted by the Sub-Divisional Officer, Hilsa, Nalanda, has not been considered by the learned District Magistrate-cum-Collector, Nalanda while passing the impugned order dated 08.11.2019, though the District Magistrate-cum-Collector had himself, by an order dated 30.08.2019, called for a report from the Sub-Divisional Officer, Hilsa, hence I find that the impugned order dated 08.11.2019 is fallacious and unreasoned and is fit to be set aside. Accordingly, the impugned order dated 08.11.2019 is quashed, however, with liberty to the learned District Magistrate-cum-Collector, Nalanda to consider the enquiry report dated 14.10.2019 and pass a reasoned order afresh preferably within a period of eight weeks from today.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

