

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4979 of 2020

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Virendra Kumar Singh son of Bhuvneshwar Singh resident of Village- Dhani
Chhapra, P.O. and P.S.- Manjhi, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate cum Collector, Saran at Chhapra.
3. The District Supply Officer, Saran at Chhapra.
4. The Sub- Divisional Officer cum Licensing Authority, Sadar, Chhapra.
5. The Block Supply Officer, Manjh, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr.Diwakar Upadhyaya, Adv. Ms. Preety Kunwar, Adv.
For the State	:	Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-02-2021 The present writ petition has been filed for quashing the order dated 07.02.2020 passed by the Sub-Divisional Officer, Sadar Chapra whereby and whereunder the PDS license No. 1/2018 (wrongly mentioned in the impugned order as 142/2016) of the shop of the petitioner has been cancelled.

The brief facts of the case are that the



petitioner was granted license for running the PDS shop in the year 2018, however, suddenly, he was served with a show cause notice dated 05.11.2019 wherein the only allegation levelled against him was that his shop was found closed on the date of inspection i.e. on 04.11.2019 at 1:30 pm. In such view of the matter, the licence of the petitioner has been cancelled by the Sub-Divisional Officer, Sadar Chapra, by the impugned order dated 07.02.2020.

The learned Senior Counsel for the petitioner has submitted that a learned Division Bench of this Court, in a judgment reported in **2012 (3) PLJR 583 (Turant Lal Paswan vs. The State of Bihar & Ors.)**, has held that closure of shop on one particular day is not such a grave violation, which would entail cancellation of licence, hence, the learned Division Bench had quashed the order of cancellation of licence passed by the Sub-Divisional Officer in the said case.

The learned counsel for the Respondent-State has not disputed the position, as is existing in law.



Having regard to the submissions made by the learned counsel for the parties, considering the facts and circumstances of the case and taking into account the judgment rendered by the learned Division Bench of this Court in the case of **Turant Lal Paswan** (supra), this Court finds that the impugned order dated 07.02.2020, whereby and whereunder the licence of the PDS shop of the petitioner has been cancelled merely on account of the shop of the petitioner having been found to be closed on the date and time of inspection i.e. on 04.11.2019 at 1:30 pm., is not justified inasmuch as closure of shop of the petitioner on one particular day and that too at 1:30 pm. is not such a grave violation so as to entail cancellation of licence, hence, I deem it fit and proper to quash the impugned order dated 07.02.2020 passed by the Sub-Divisional Officer, Sadar Chapra.

It is needless to state that the licence of the PDS shop of the petitioner shall be restored within a period of four weeks from the date of receipt / production of a copy of this order.



The writ petition stands allowed.

(Mohit Kumar Shah, J)

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