

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 7012 of 2020

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Ram Lagan Paswan son of Sri Chamari Paswan, resident of
village Kawai, Post Dhodiha, Police Station Khodagaon, District
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department
of Food and Consumer Protection, Government of Bihar,
Patna.
2. The Principal Secretary, Department of Food and Consumer
Protection, Government of Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Sub-Divisional Officer, Hilsa, Nalanda at Biharsharif.
5. The Block Supply Officer, Islampur, Hilsa, Nalanda at
Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 24-09-2021 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.



The present writ petition has been filed for quashing the order dated 14.02.2020 passed by the Sub-Divisional Officer, Hilsa, Nalanda at Bihar Sharif whereby and where under the PDS license of the petitioner bearing License No. 106/2011 has been cancelled.

The Ld. Counsel for the petitioner has submitted that a show cause notice dated 10.12.2018 was initially issued alleging therein that on 22.11.2018, the shop of the petitioner was inspected and the same was found closed, however, since no proposal for cancellation of the license of the petitioner had been mentioned therein, the same stood vitiated in the eyes of law. It is further submitted that another show cause notice dated 22.01.2020 was issued to the petitioner but there was no reference about the earlier notice dated 10.12.2018 and it was alleged therein that in the month of December, 2019 there had been distribution of only 76.24% of food grains. The Ld. Counsel for the petitioner submits that the petitioner had submitted an exhaustive reply dated 10.2.2020 stating therein that on account of certain technical issues, some quantity of food grains could not be distributed but the same is lying in the shop of the petitioner, however, this aspect of the matter has not been

re Sub-Divisional Officer, Hilsa



at Bihar Sharif, in the impugned order dated 14.02.2020 and instead the allegations levelled against the petitioner as also the reply submitted by him have been vaguely dealt with, thus, rendering the impugned order dated 14.02.2020 to be unsustainable in the eyes of law.

Per contra, the learned counsel for the respondent State, Shri Alok Ranjan, AC to AAG-5 has not been able to show from the records of the case that the aforesaid aspect of the matter to the effect that the balance quantity of food grains are lying in the shop of the petitioner, has been dealt with by the Sub-Divisional Officer, Hilsa, at Bihar Sharif, in the impugned order dated 14.02.2020.

Having regard to the facts and circumstances of the case, considering the materials on record, this Court finds that a specific allegation has been levelled by the Sub-Divisional Officer, Hilsa in his show cause notice dated 22.01.2020, which has been specifically dealt with in the reply submitted by the petitioner, however, the same has not been dealt with in the impugned order dated 14.02.2020, rendering the same to be an unreasoned and a perverse Order, which has failed to take into account the submissions made by the licensee, consequently the impugned order dated 14.02.2020 stands vitiated in the



eyes of law, hence is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Hilsa, Bihar Sharif for proceeding afresh in the matter, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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