

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6007 of 2020

=====

Urmila Devi W/o Dilip Kumar Das, Resident of Village Sohta, P.S. Chhatapur, Prakhand Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Dept. Govt. of Bihar, Patna.
2. The Divisional Commissioner, Koshi Division, Saharsa.
3. The Collector, Supaul
4. The Sub- Divisional Officer, Tribeniganj, Distt. Supaul.
5. The Block Supply Officer, Chhatapur, P.S. Chhatapur, District- Supaul.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Das, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (S.C.4)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“That the present writ petition is for quashing the P.D.S. License Cancellation order Memo No. 43 dated 07.03.2017 passed in Supply Case No. 01/2017 passed by the Sub-Divisional Officer, Tribeniganj, contained in Annexure-9, the appellate order dt. 13.01.2019 passed by the Collector, Supaul in Supply Appeal No. 03/2017 contained in Annexure-10 and the Revisional Order dated 14.12.2019 passed in Supply Revision Case No. 11/2019 by the Divisional Commissioner, Koshi Division, Saharsa contained in Annexure-11.”

Briefly stated, the facts of the case is that petitioner is a dealer of PDS shop in village Panchayat Sohta, Block Chhatapur, District- Supaul, against whom a complaint was made before the Sub-Divisional Public Grievances Redressal Forum, Tribeniganj and inquiry was entrusted to Block Supply Officer, Chhatapur who conducted a enquiry against the allegations made against petitioner and same was submitted to the S.D.O., Tribeniganj and a show cause was issued to petitioner and S.D.O., further directed petitioner to produce the store register/distribution register/unit register and cash memo to Block Supply Officer and petitioner submitted her show cause to the S.D.O. but did not produce the required documents as directed by the S.D.O. to the Block Supply Officer.

A second show cause was also issued to the petitioner and petitioner submitted her reply, which was not found satisfactory and S.D.O., Tribeniganj cancelled the licence of PDS shop of petitioner by order dated 07.03.2017.

Two enquiries were conducted against petitioner. First enquiry was conducted by Executive Magistrate, Tribeniganj and B.D.O., Chhatapur, who submitted a detailed enquiry report after making on the spot enquiry and recorded the statement of beneficiary by name, who alleged several irregularities

committed by petitioner in distribution of food grains and K. oil and thereafter a second enquiry was conducted by Block Supply Officer, who in writing informed the S.D.O. that petitioner did not cooperated in the enquiry and did not submit the required documents in order to verify the truthfulness of allegations made by the beneficiary against the petitioner. Two enquiries were conducted by two different authorities against which show cause alongwith enquiry report was given to petitioner and after hearing petitioner the licensing authority S.D.O., Tribeniganj found the allegations to be correct and it was for the petitioner to controvert or refute the allegations made by the beneficiaries by producing relevant document before the enquiry officer or the S.D.O. but he deliberately did not produce any documents to falsify the allegations made by beneficiaries and thereafter the licence granted to petitioner was cancelled and appeal and revision preferred against said order were also dismissed.

After hearing the learned counsels for the parties and considering the materials available on record, this Court finds that in spite of being granted several opportunities by the authorities to refute the allegations made by the beneficiaries, which were found to be true in both enquiries report, as a result of which license of petitioner was cancelled cannot be faulted.

This Court does not find any error or procedure irregularities or violation of principles of natural justice by the statutory authorities while passing the impugned orders, accordingly, present writ petition stands dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/ranjan-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	