

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9117 of 2020

Pradip Singh Son of Ram Khelawan Singh Resident of Village- Phanda,
Panchayat- Muhammadpur Khaje, Block- Madban, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub-Divisional Officer, cum Licensing Officer, Muzaffarpur (West).
4. The Block Supply Officer, Madban, Muzaffarpur (West) Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
For the Respondent/s : Mr. Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2021 The present writ petition has been filed seeking quashing of the order dated 28.01.2020 passed by the Sub-Divisional Officer, West Muzaffarpur contained in Memo dated 31.01.2020, whereby and whereunder the PDS license of the petitioner bearing License No. 23050006/16 has been cancelled.

The learned counsel for the petitioner has referred to the judgment rendered by the learned Division Bench of this Court dated 22.06.2012 passed in CWJC No. 10213 of 2010 (*Turant Lal Paswan vs. The State of Bihar & Ors.*), reported in **2012(3) PLJR 583**, to submit that the action of cancellation of license for one day closure of shop is disproportionate and the illegality alleged is not such a grave violation that would entail



cancellation of the license.

The learned counsel for the petitioner has submitted that the shop of the petitioner was closed on account of the petitioner having gone for training at Manrega Bhawan for learning the procedure for handling the POS Machine.

Per contra, the learned counsel for the State Shri Alok Ranjan, AC to AAG-5 has submitted that the impugned order dated 28.01.2020 would show that other irregularities have also been found, however, he has not been able to controvert the fact that no show cause notice was issued regarding the other irregularities, apart from the allegation of closure of shop for one day.

I have heard the learned counsel for the parties and gone through the materials on record from which it is apparent that the license of the petitioner has been cancelled only on the allegation of closure of shop for one day, which the petitioner has explained by stating that on the said day the petitioner had gone for training, thus this Court is of the considered view that the punishment of cancellation of license is not commensurate with the allegation levelled against the petitioner, hence this Court deems it fit and proper to quash the impugned order dated 28.01.2020, passed by the Sub-Divisional Officer, West



Muzaffarpur.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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