

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10410 of 2020

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Arun Kumar Singh, S/o Late Jagarnath Prasad Singh, Resident of Village-
Madhaul, P.O. and P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Sitamarhi.
4. The Sub-Divisional Officer, Sadar, Sitamarhi.
5. The District Supply Officer, Sitamarhi.
6. The Block Supply Officer, Riga, Dist. Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha, Advocate
For the Respondent/s : Mr. Anisul Haque, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 01-12-2021

The petitioner's licence to run a shop under Public Distribution System (P.D.S.) has been cancelled by an order dated 21.10.2016 passed by the Sub-Divisional Officer, Pupri-cum-Licensing Authority on the allegation of certain irregularities committed by the petitioner. His appeal against the said order came to be rejected by an order dated 22.06.2018 passed by the Collector, Sitamarhi, in Supply Appeal No.102 of 2016. A revision application preferred by the petitioner before the Divisional



Commissioner, Tirhut Division, Muzaffarpur, giving rise to P.D.S. Revision Case No.240/2019, too has been dismissed by an order dated 10.01.2020. These are the orders which are under challenge in the present writ application.

2. It appears from the averments made in the writ application and the documents brought on record that the petitioner was given an opportunity to show cause against the proposed cancellation of the licence. He was given adequate opportunity to submit his explanation, which he availed. His explanation was, however, not found satisfactory and accordingly, the Sub-Divisional Officer passed the impugned order dated 21.10.2016 cancelling the petitioner's licence.

3. Upon perusal of the impugned order dated 21.10.2016, it can be easily discerned that the licensing authority passed the order cancelling licence after due consideration of the petitioner's show cause reply. The order dated 21.10.2016 is speaking and reasoned.

4. On perusal of the order passed by the appellate authority also, it transpires that the appellate authority has considered the petitioner's appeal and passed a reasoned order rejecting the petitioner's appeal after noticing no infirmity in the



order of the licensing authority. Likewise, the order of the revisional authority is also speaking and reasoned.

5. Learned counsel appearing on behalf of the petitioner has, however, submitted that the licensing authority as well as the superior authorities dealing with the petitioner's appeal and revision failed to take into account the petitioner's explanation in its correct perspective. She contends that one of the allegations against the petitioner was of maintaining two separate registers fraudulently in respect of lifting and distribution of food grains. She further contends that the petitioner had taken specific plea before the licensing authority, the appellate authority and the revisional authority that the petitioner was maintaining two separate registers under the direction of the Block Development Officer for facilitating inspection of the documents and running the P.D.S. shop smoothly. She contends that this aspect has not been duly examined by the authorities.

6. We have carefully perused the impugned orders. It can be easily discerned from the order of the revisional authority that the petitioner could not produce before the authorities any document or evidence in support of his plea that he was maintaining two separate registers under the guidance or direction of the Block Development Officer. The petitioner was maintaining



two registers under the direction of the Block Development Officer or not, is a question of fact in dispute, which cannot be gone into by this Court in a proceeding under Article 226 of the Constitution of India. Considering the serious nature of irregularities said to have been committed by the petitioner, the licence has been cancelled.

7. We find no such legal infirmity in the impugned orders as would require this Court’s inference in Writ jurisdiction under Article 226 of the Constitution of India. Learned counsel for the petitioner has failed to point out any procedural irregularity in the decision making process.

8. For the aforesaid reasons, we do not find any merit in this application, which is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

PNM

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

