

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.851 of 2021**

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Chhutharu Prasad Yadav son of Late Kunai Yadav resident of village -  
Mojaha Sujampur, Police Station- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Supply,  
Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Sub- Divisional Officer, Supaul.
4. The District Supply Officer, Supaul.
5. The Block Supply Officer, Block- Kishanpur, District- Supaul.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------|
| For the Petitioner/s | : | Mr. N.K. Agrawal, Sr. Advocate.<br>Mr. Anamul Haque, Adv. |
| For the Respondent/s | : | Mr. Upendra Pratap Singh, AC to SC-4                      |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      02-11-2021                      Heard.

The present petition has been filed for quashing the order dated 10.06.2020 passed by the Sub-Divisional Officer, Supaul, whereby and where under the P.D.S. license of the shop of the petitioner bearing License No. 298/2007 has been cancelled.

The Ld. Senior counsel for the petitioner, Shri N.K. Agrawal, submits that along with the show cause notice dated 11.05.2020, the statements of the beneficiaries were annexed to level an allegation against the petitioner regarding irregularities in supply of food grains etc. to the beneficiaries, however, in the



show cause reply dated 18.05.2020, the petitioner has mentioned that all the beneficiaries, who had made allegations against the petitioner, do not any longer have any grievance and to that effect the petitioner had also annexed their statement on oath to show that none of the said beneficiaries are having any complaint against the petitioner. Thus, it is submitted that the Sub-Divisional Officer, Supaul was at least required to verify the claim of the petitioner regarding none of the beneficiaries having any complaint and he ought to have made a fresh enquiry, but the same was not done, resulting in great prejudice to the petitioner and vitiating the impugned order dated 10.06.2020. The learned Senior counsel for the petitioner has referred to an order dated 29.04.2019 passed by a co-ordinate Bench of this Court in CWJC No. 2477 of 2019 to submit that in almost an identical case, this Court has held that the impugned order cancelling the license of the licensee is not sustainable in the eyes of law in as much as once the licensee submits affidavit of beneficiaries, who are the alleged complainant, in favour of the licensee, then the Sub-Divisional Officer is required to verify the veracity and genuineness of the same and only then an order cancelling the license of the petitioner can be passed, if he finds that the said affidavit of the beneficiaries submitted by



the licensee are not genuine.

Per contra, the learned counsel for the Respondent State, Shri Upendra Pratap Singh, AC to SC-4 has not disputed the position as is existing law.

Having regard to the facts and circumstances of the case, this Court finds that though the petitioner had furnished the statement on oath of all those beneficiaries who are stated to be the complainants, which had led to issuance of a show cause notice dated 11.5.2020, in favour of the petitioner, the Sub-Divisional Officer, Supaul, has failed to verify the same and instead has passed the impugned order dated 10.06.2020 whereby and where under the license of the petitioner has been cancelled, resulting in great prejudice to the petitioner in as much as the complaints/ statements of the beneficiaries, being relied upon by the Sub-Divisional Officer, Supaul, who has passed the impugned order dated 10.06.2020, are no longer efficacious in view of the statement of the same complainants/ beneficiaries having been submitted by the licensee i.e. the petitioner herein in his favour, thus at least the veracity and genuineness of the same was required to be verified by the Sub-Divisional Officer, Supaul and only then an order cancelling the license of the petitioner could have been passed in case he had



found the aforesaid affidavits/ statements of the complainants/ beneficiaries, submitted by the petitioner, to be not genuine. Consequently, the impugned order dated 10.06.2020 stands vitiated in the eyes of law, hence is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Supaul to verify the genuineness of the statement of the beneficiaries submitted by the petitioner, who are also alleged to be the complainants and then proceed afresh in accordance with law.

It is needless to state that before passing any adverse order against the petitioner, the Sub-Divisional Officer, Supaul shall grant an opportunity of hearing to the petitioner herein.

The writ petition stands allowed.

**(Mohit Kumar Shah, J)**

Tiwary/-

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