

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2594 of 2021

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Kanhaiya Singh Son of Sri Ram Bachan Singh, Resident of Village-Lohain
Tola, P.O. Ayer (Eyar), P.S.-Agion Bazar, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply
Department, Government of Bihar, Patna.
2. The Collector, Bhojpur, District-Bhojpur, Ara.
3. The District Supply Officer, Bhojpur at Ara.
4. The Sub Divisional Officer, Piro, District-Bhojpur at Ara.
5. The Block Supply Officer, Piro, District-Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Mishra, Adv
For the Respondent/s : Mr. U.P. Singh AC to SC-4

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

Date : 24-11-2021

Heard learned counsel for the parties.

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

“(i) For setting aside the order dated 12.06.2020
passed in Revision No. 197 of 2018 by Ld. Commissioner,
Patna.

(ii) For setting aside the order dated 06.12.2013
passed by the Respondent Collector, Bhojpur, in Revenue
Appeal No. 22/2012-13.

(iii) For setting aside the order dated 20.12.2011
passed by Respondent No. 3 the Sub Divisional Officer,
Piro, District Bhojpur, who has cancelled the licence of the

petitioner which was communicated to the petitioner vide memo no. 49 dated 20.12.2011.

(iv) The petitioner prayed that after setting aside the above said orders your lordships may give direction to the authority concerned the licence of Public Distribution System Shop in favour of the petitioner may be restored.”

Briefly stated, the facts of the case is that petitioner was dealer of PDS Shop of Ayar Panchayat in the district of Bhojpur bearing Licence No. 109 of 2007.

It is alleged that shop of the petitioner was inspected by Block Supply Officer who found several irregularities and submitted his inspection report dated 20.06.2011 to the SDO, Piro (Licensing Authority) and thereafter, a show cause notice dated 15.11.2011 was issued to petitioner alleging that during inspection of the PDS Shop by the Block Supply Officer, shop was closed and some beneficiaries gave written complaint of receiving lesser quantity of K. Oil and food grains. In spite of granting reasonable opportunity to file show cause reply, no show cause reply was filed and thereafter licence of the petitioner was cancelled by order dated 20.12.2011 passed by SDO cum Licensing Authority.

Petitioner thereafter, moved this Court for quashing the order dated 20.12.2011 in CWJC NO. 17453 of 2012 and writ

petition was disposed of with liberty to petitioner to approach the appellate authority and thereafter petitioner filed Revenue Appeal No. 22 of 2012-13 on 06.12.2013, however, same was dismissed in a mechanical manner.

Petitioner again moved this Court against the appellate order in CWJC No. 6002 of 2014, which was also disposed of by order dated 30.03.2018 with liberty to petitioner to approach the Revisional Authority, and accordingly, petitioner filed revision petition being Revision Case No. 197 of 2018 before the Divisional Commissioner, who also dismissed the revision petition.

It is submitted on behalf of petitioner that no inspection report was given to petitioner along with show cause notice and as such the order passed by the SDO cum Licensing Authority dated 20.11.2011 is bad in law.

It is submitted by learned counsel for the State that in the show cause dated 15.11.2011 issued by the SDO cum Licensing Authority the irregularities as found during inspection made on 20.06.2011 by Block Supply Officer was made specific and petitioner was directed to submit his reply controverting above allegations and he was further directed to produce store register, sale register, cash memo and weighing instruments and

other documents but he neither submitted any reply to the show cause nor produced the documents and weighing instruments as called for by the SDO cum Licensing Authority which amounts to breach of terms and conditions of licence as well as violation of judgment of Supreme Court. The order contains details of irregularities committed by the petitioner as well as name of complainant and nature of allegations made with respect to distribution of less food grains and K.Oil among the beneficiaries as well as charging more price of subsidized articles meant for poor and needy.

The SDO cum Licensing Authority has further observed that at the time of inspection the shop of the petitioner was closed and subsequently after issuance of show cause notice petitioner neither filed reply to said show cause nor appeared with the required documents and other articles as called for by the SDO cum Licensing Authority, which shows his open defiance of the orders passed by the Licensing Authority.

The appeal as well as revision has been dismissed by the Appellate Authority as well as Revisional Authority giving detailed reasons for passing of the orders after discussing case of both the parties. Appeal and revision has been dismissed by speaking and reasoned orders.

Heard learned counsel for the parties and perused the materials available on record, this court does not find any perversity or illegality in the impugned orders passed by the authorities, accordingly, the writ petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA