

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20234 of 2019

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Sanjay Kumar Son of Yogendra Prasad, Resident of Village-Manik Chowk,
Uttari, P.S.-Runnisaidpur, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Sitamarhi, District-Sitamarhi.
3. The Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District-Sitamarhi.
4. The Block Supply Officer, Block-Runnisaidpur, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Chandra, Adv.
For the Respondent/s : Mr.Alok Ranjan, A.C. to A.A.G.5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-03-2021 Heard Mr. Anil Chandra, learned counsel for the
petitioner and Mr. Alok Ranjan, learned A.C. to A.A.G.5.

The petitioner in this writ petition seeks quashing of
the order dated 12.09.2019 passed by Sub Divisional Officer,
Sitamarhi Sadar, Sitamarhi by which he cancelled the P.D.S.
Shop License No.72/08-12 of the petitioner and for restoration
of P.D.S. shop of the petitioner.

Learned counsel for the petitioner submits that for the
first time, the Sub Divisional Officer vide Memo No.634 dated
17.08.2019 issued show cause notice to the petitioner calling
him to file reply. It is submitted that in para 1 of the show cause,
the name of four persons are mentioned who complained that



the petitioner did not supply foodgrains to them for the month of April, 2019. The petitioner gave specific reply that those four persons are not the customers of the P.D.S. shop of the petitioner. It is further submitted that in para 2 of the show cause, 24 customers are said to have complained that the petitioner did not supply rice and wheat to them but their names have not been disclosed. The petitioner in para 2 of his show cause (Annexure-3) categorically replied that he supplied foodgrains rice and wheat to all the customers and if any of the customer made complaint, that is false and frivolous. It is further submitted that petitioner replied categorically that during the course of distribution of foodgrains, the thumb impression of some customers are left to be taken in the distribution register and after finishing the work of distribution, thumb impressions of the customers are obtained and this is the usual practice but no such person made any complaint about the non-distribution of the foodgrains. It is further submitted that on such vague allegation and non disclosure of the names of 24 customers, the license of the petitioner has been cancelled.

Mr. Alok Ranjan, learned A.C. to A.A.G.5 filed counter affidavit and submits that of course the names of 24 customers have not been mentioned in the show cause but from



para 2 of the show cause of the petitioner, it would appear that the petitioner was well aware with regard to the allegations made in the show cause. The petitioner admitted that after distribution of the foodgrains, finger prints of the customers are obtained and this amounts to forgery and on such ground, the license of the petitioner has rightly been cancelled. Learned counsel for the State further submits that petitioner has not exhausted the alternative remedy provided under the rules.

Having considered the submissions and on perusal of the show cause as well as reply to the show cause, it appears that in para 2 of the show cause, the Sub Divisional Officer mentioned the number of 24 customers but the names of the customers who are said to have complained about the non-distribution of foodgrains have not been disclosed and this fact itself would prejudice the case of the petitioner. The petitioner could not be able to give satisfactory reply unless the names of the customers who are said to have complained about the non-distribution of the foodgrains are disclosed. It further transpires that the show cause reply of the petitioner has been summarily rejected without taking into consideration the show cause and the grounds. Whether the petitioner has obtained the thumb impression of the customers or the same is forged, the same



cannot be ascertained without obtaining the opinion of the expert with regard to the finger prints available on the record.

Having considered the facts aforesaid, I find that the order suffers from illegality and not sustainable. Accordingly, the order dated 12.09.2019(Annexure-4) is set aside. The matter is remitted to the Sub Divisional Officer, Sitamarhi Sadar, Sitamarhi to decide the case afresh after supplying the relevant documents to the petitioner within four months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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