

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.552 of 2022

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Shailesh Kumar Son of Late Binda Prasad Resident of Village- Nagarnausa,
P.S.- Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nalanda, Bihar.
2. The Collector cum District Magistrate, Nalanda.
3. The Sub-Divisional Officer (S.D.O.) Hilsa (Supply Division), District-
Nalanda.
4. The Executive Magistrate cum Incharge Assistant District Nalanda.
5. The Executive Magistrate cum Incharge Assistant District Supply Officer,
Hilsa, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pranav, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 18-08-2022

Heard Mr. Ajay Kumar Chakraborty, learned advocate
for the petitioner and Mr. Upendra Pratap Singh for the State.

The license of the petitioner, which was obtained under
the Control Order, 2001, was initially suspended whereafter the
same was cancelled.

Against the aforesaid order of cancellation of license,
the petitioner preferred an appeal, which too was rejected. Later,
under the order of this Court, a revision petition was filed before



the Commissioner who has also affirmed the orders passed by the licensing authority as well as the appellate authority.

Mr. Chakraborty, learned advocate for the petitioner has submitted that no criminal case was lodged against him and that no beneficiary had ever made any complaint against the petitioner. He has further submitted that during pendency of the order of suspension under the old Control Order, 2001, wrongly the order of cancellation of license was passed.

After having perused the records of this case, we find that in one instance, an affidavit in favour of the petitioner was filed on behalf of one of the beneficiaries which he had signed but, on enquiry, it was found that he did not have the requisite learning to sign. This was rightly taken to be an instance of manipulation of records for creating false defence for the petitioner. Apart from this, all the authorities have found that there used to be regular delay of two to six months in distribution of subsidized food grains and kerosene oil and many a times, the delivery of the comestible was made at a different place and not from the shop of the petitioner.

These are definite breaches of the terms and conditions of the license, which entail the punishment of cancellation of license.



We find no reason to interfere with the order passed by the authorities specially the revisional authority. There is no merit in this petition and the same is dismissed but, without any order as to costs.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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