

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1727 of 2022

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Shubh Narayan Singh S/O Brij Bihari Singh R/O Arizrpur Ragho,
Muzaffarpur, Rajala, Bihar - 844120.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Commerce Department, Bihar.
2. The Divisional Commissioner Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Sub - Divisional Officer, West Muzaffarpur - cum- Licensing Officer, Public Distribution System, Supply Division, Muzaffarpur.
6. The Block Supply Officer, Kudhani, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 25-02-2022

Heard Mr. Suman Kumar, learned Advocate for

the petitioner and Mr. Bishambhar Prasad for the State.

The petitioner is aggrieved by the order dated 31.08.2021 passed by the Sub-Divisional Officer, West Muzaffarpur whereby the PDS licence of the petitioner has been cancelled.



Mr. Suman Kumar, learned Advocate for the petitioner has submitted that notice was issued to the petitioner on 01.04.2020, giving him only 24 hours to explain the charges raised against him by the Block Supply Officer who had inspected the shop of the petitioner.

Despite such short time, the petitioner replied but the matter remained pending before the Licencing authority for almost one year and four months. Even after such a delay, the impugned order cancelling the licence of the petitioner does not advert to any reason for coming to the conclusion that the consumers were brought in collusion by the licensee/the petitioner and that the petitioner is a defaulter so far as his responsibility under the Bihar Targeted P.D.S. (Control) Order, 2016 is concerned.

Learned counsel for the petitioner has submitted that in the first instance, such haste ought not to have been shown by the Licencing authority and the petitioner



should have been given reasonable opportunity of filing his reply.

If the petitioner could anyhow furnish his reply within 24 hours, that should have been taken into account before passing a final order. Keeping the matter pending for such a long time also vitiates the order.

The counsel for the petitioner has also raised a grievance that the inquiry report on the basis of which the proceeding was initiated against him has also not been served upon him.

On these grounds, learned counsel for the petitioner submits that the order is not at all sustainable and the petitioner be given another opportunity to explain his cause before the Licencing authority.

We have been persuaded by the learned counsel for the petitioner to accede to his prayer for setting aside the impugned order.

The impugned order is set aside.



The matter is remitted to the Sub-Divisional Officer, West Muzaffarpur for writing out a fresh order in accordance with law but only after serving a fresh notice to the petitioner along with a copy of the inquiry report.

This process would begin on the petitioner furnishing a copy of this order before the Licencing authority. On receipt of the reply, a final order shall be passed by the Licencing authority within a period of 60 days of starting the proceeding.

Needless to state that the order passed by the Licencing authority shall contain reasons in support of the decision.

With the aforesaid direction/observation, the writ petition is allowed and disposed off.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2022
Transmission Date	NA

