

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2018 of 2022

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Bipin Bihari Ram, aged about 53 years, male, S/o Late Govind Ram, Resident of Village- Amra (Talab), P.S.- Sasaram (Muffasil), District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna, Bihar.
2. The Divisional Commissioner, Patna, Bihar.
3. The Collector-Cum-District Magistrate, Rohtas.
4. The Sub-Divisional Officer, Sasaram.
5. The Block Supply Officer, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
Mr. Uday Pratap Singh, Adv.
For the State : Mr. Alok Ranjan, Adv.

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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 : 30-06-2022

Heard Mr. Praveen Kumar, assisted by Mr. Uday Pratap Singh, the learned Advocates for the petitioner and Mr. Alok Ranjan, the learned counsel for the State.



2. The petitioner, who is a P.D.S. licensee, is aggrieved by the fact that his license has been cancelled, which order has been sustained by the appellate as well as the revisional authorities.

3. The primary contention of the petitioner is that he had received a notice on 02.01.2017 on the basis of an inspection of his shop made by the Block *Pramukh*, who is no authority under the law to make any inspection. Apart from this, it has been submitted that earlier, his shop was inspected by the Block Supply Officer and pursuant to the report submitted by him, he was put on notice, which, according to the authorities, was not replied by him. The learned counsel for the petitioner but has submitted that such notice was not served upon him and he was of the view that he is required to respond to the notice dated 02.01.2017, which primarily was on the report submitted by the Block *Pramukh* and not by the Block Supply Officer.

4. Since the very issuance of notice is bad in the eyes of law, it has been submitted that all the



authorities misdirected themselves in relying on such report along with the report of the Block Supply Officer in taking a decision of cancelling the license of the petitioner.

5. The notice issued pursuant to the report by the Block *Pramukh* indicated irregularities for the months of October and November, 2016, whereas the notice in connection with the report of the Block Supply Officer earlier was with respect to the irregularity which was detected for the month of June, 2016. The Block Supply Officer had found that the petitioner had lifted the food-grains for the month of June, 2016, but there was no corresponding entry in his record. There was no documentation with respect to the distribution of the food-grains also.

6. It was also alleged against the petitioner that in the register, the signature of all the beneficiaries appeared to be of a single person and, therefore, it appeared to the Inspecting authority that it was manufactured and prepared later for the purposes of creating defense.



7. However, finding that there were two notices with respect to different sets of irregularities having been detected by the authorities, we are of the view that it was difficult for the petitioner to have replied to both the notices in a composite manner. We have also found that the allegations in both the notices have been taken into account by the authorities. The decision making, therefore, in our considered opinion, went amiss.

8. For such reasons, we are not inclined to sustain the order of cancellation of license or of the appellate and the revisional orders.

9. All the orders are, thus, set-aside.

10. The matter is remitted to the licensing authority for him to serve a fresh notice on the petitioner and pass a final order, after taking into account the reply of the petitioner. The petitioner shall be given sufficiently reasonable opportunity of representing his cause and the order so passed by the licensing authority shall provide reasons in support of the same.

11. Since a lot of time has elapsed from the



date of cancellation of the license of the petitioner, this Court expects that the entire process shall be concluded within a period of 60 days from the date of receipt/production of a copy of this order.

12. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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