

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3555 of 2020

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Upendra Kumar Son of Surendra Prasad@ Surendra Singh, Resident of
Village- Lodipur, Police Station- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub- Divisional Officer, Nimchak Bathani, Headquarter Khizersarai, District- Gaya.
4. The Block Supply Officer, Khizersarai, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate
		Mr. Umesh Kumar, Advocate
For the Respondent/s	:	Mr. Upendra Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-11-2022

Heard Mr. Bindhyachal Singh, learned Senior Advocate for the petitioner and Mr. Upendra Pratap Singh for the State.

The licence of the petitioner was suspended on his becoming an accused in a criminal case. Thereafter, the licence has been cancelled, which order of cancellation



also has been subjected to challenge in the present petition.

Mr. Singh has submitted that invocation of Clause-28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 is faulty in the first instance, as there is nothing on record to indicate that the petitioner had gone fugitive. He had been on anticipatory bail. However, we find that the petitioner was served and he replied to the notice as well. The second argument of Mr. Singh is that, from the perusal of the order of cancellation, it would appear that only on the accusation of few of the beneficiaries that food-grains for one particular month was not given, but entry was made in the ration-card, the accusations have been held to be correct. The licensing authority, therefore, has believed the statement of the beneficiary, without taking such statements through the wringers of veracity test. He further submits that if this was an isolated instance, the licensing authority was perforce required to be satisfied



whether any coercion was used by the petitioner to make a wrong entry in the ration-card of such complainant. It has further been urged that all the complainants/aggrieved beneficiaries have put it in writing that the accusations against the petitioner have been put in their mouths, which they do not subscribe.

However, considering the fact that the petitioner has not invoked the provision of statutory appeal against the order of cancellation, we are not inclined to entertain the present petition.

This petition is thus disposed of with the observation that in case an appeal is filed against the order of cancellation before the statutory authority within a period of 30 days, it shall be taken up and after affording reasonable opportunity to the petitioner to explain his cause, an order shall be passed within a period of 60 days thereafter, but only after adverting to the reply given by the petitioner and giving reasons in support of the conclusion so arrived at by the appellate



authority. The order shall be communicated to the petitioner forthwith.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Mahesh/HR

AFR/NAFR	NAFR
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