

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3734 of 2022

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Munni Das, S/o Late Jageswar Das, Resident of Village - Kanungo Bigha,
Panchayat - Akri Pandey Bigha, Block - Meskaur, District – Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Nawada.
4. The District Supply Officer, Nawada.
5. The Sub Divisional Officer, Rajauli, Nawada.
6. The Block Supply Officer (Meskaur), District - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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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 : 27-04-2022

Heard Mr. Nagendra Kumar, learned Advocate for
the petitioner and Mr. Upendra Pratap Singh, learned AC to
SC-4.

The license of the petitioner has been cancelled,
which order has been sustained by the Appellate as well as the
Revisional authorities.

Hence, this writ petition.



The order of the Licensing Authority dated 19.08.2017 does not reflect any cogent reason for coming to the conclusion that the petitioner has not acted bonafide in his capacity as PDS dealer. Even the charges levelled against him appears to be absolutely vague.

Some receipts in the nature of thumb impressions but without endorsements have been found during the inspection, which according to the Licensing Authority is such a grave anomaly in maintenance of records that he in his wisdom has considered such ground to be good enough for cancelling the license of the petitioner. There appears to be no verification regarding supply or non-supply of the foodgrains to the targeted consumers. There is no reference in the order of the Licensing Authority about the reason for suspecting irregularity in the running of the PDS.

Be that as it may, the same opinion has been given by the DM/Appellate Authority as well as the Revisional Authority.

None of these orders, which have been challenged in the present writ petition disclose anything for us to adjudicate whether the orders are justified and require no interference.



A look at the order passed by the Licensing Authority gives an impression that even the charges are vague.

There are two charges for which the aforesaid proceeding has been initiated against the petitioner viz. projection of falsehood in distribution and irregularity in distribution. There does not appear to be any indice of such charge in the show cause notice and the explanation offered by the petitioner also does not appear to have been adverted to by all of the Authorities.

We are not happy at the manner in which such orders are being passed by such superior forums.

We cannot sustain such non-speaking orders.

For the reasons aforestated, the orders passed by the licensing authority dated 19.08.2017, the Appellate Authority dated 09.10.2019 and the Revisional Authority dated 06.10.2021 are set aside.

The matter is remitted to the learned District Magistrate, Nawada to provide a fresh opportunity to the petitioner to explain his cause whereafter, a reasoned order shall be passed within a period of sixty days to be counted from the date of production of a copy of this order.



Should the petitioner feel dissatisfied with the order passed by the Appellate Authority, he may approach the Revisional authority thereafter.

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

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2022
Transmission Date	NA

