

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5647 of 2022

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Rameshwar Prasad Mahto @ Ramesvar Mahato, S/o- Late Ram Sundar Mahto, Resident of Village- Sarsawa Ghat, P.S.- Chiraiya, District- East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran.
4. The Sub Divisional Officer, Sikrahna, East Champaran.
5. The Block Supply Officer, Chiraiya, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Adv.
For the State	:	Mr. Alok Ranjan, Adv.

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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 : 17-11-2022

Heard Mr. Dhananjaya Nath Tiwari, the
learned Advocate for the petitioner and Mr. Alok
Ranjan, the learned counsel for the State.

2. For some reason or the other, the counter
affidavit in this case could not be filed.

3. Be that as it may, since the original order
has been passed in the year 2018, we are of the view



that this case ought to be disposed off today.

4. Mr. Tiwari, the learned Advocate for the petitioner has drawn the attention of this Court to the charges levelled in the notice which was served upon him. The petitioner was asked to explain the circumstances under which 53 of the beneficiaries had complained of his rude behaviour and that from their ration-cards, it appeared that they were not given their quota of food-grains and other articles in regular manner in the year 2018.

5. The second charge against the petitioner was of not lifting the food-grains on time by depositing money through NEFT.

6. Both the charges were explained by the petitioner in his show-cause reply, wherein he has categorically averred that he had been running the shop for the last 26 years as a licensee with 610 beneficiaries attached to his shop.

7. The 53 complainants were particularly



aggrieved by the petitioner because they always expressed their unwillingness to bring the ration-cards along with them for necessary entries to be made in such cards. Whenever it was demanded of them, they, in fact, behaved in a very rude fashion and forcibly took away articles kept on the counter, which could not be stopped by the petitioner because of his weak standing in the society.

8. So far as the other charge of not depositing money through NEFT for lifting food-grains from the depot is concerned, the petitioner has denied it totally and has said that never in the past years, has he delayed in depositing the amount for lifting the food-grains.

9. It has also been pointed out by the counsel for the petitioner that the licensing authority, while adverting to his reply referred to above, relied upon the report of the Block Supply Officer, Chiraiya, who had reported that there was no deposit of money



through NEFT for the month of October, 2018. Relying on this report and the complaint of 53 out of 610 beneficiaries, the license of the petitioner has been cancelled.

10. It appears rather strange that neither the licensing authority nor the appellate or revisional authorities could discern that the license of the petitioner was cancelled in the month of September, 2018. If the license itself was cancelled by the licensing authority in the month of September, 2018 (18.09.2018), where was the occasion for the Block Supply Officer to have reported that money was not deposited for the month of October, 2018. This itself shows complete lack of application of mind.

11. The very basis on which the license has been cancelled does not appear to exist factually.

12. This aspect, though pointed out by the petitioner before the appellate as well as the revisional authorities, was never paid heed to.



13. For this reason, we are not in a position to sustain the orders passed by the licensing authority as well as the appellate and the revisional authorities approving the same and we, accordingly, set aside all such orders.

14. The matter is remitted to the licensing authority to write out a fresh order in accordance with law after verifying the records, within a period of 60 days from the date of presentation of a copy of this order, giving reasons in support of the decision so arrived at.

15. With the aforesaid observation/direction, the petition stands allowed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Praveen-II/ Anuradha

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.11.2022
Transmission Date	N/A

