

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.510 of 2021

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Smt. Sima Devi, Female, aged about 26 years, Wife of Sri Sachidanand Prasad Resident of Village Mak Soodpur, Panchayat Parsauni Khas, Block-Unchakagaon, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Saran, Chapra.
3. The District Magistrate, Gopalganj.
4. The Sub Divisional Officer, Hathuwa, District-Gopalganj.
5. The Block Supply Officer, Uchakagaon, District-Gopalganj.
6. The Circle Officer, Uchakagaon, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Advocate Mr. Aishwrt Nand Kumar, Advocate
For the Respondent/s	:	Mr. U P Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

7 07-04-2022 Heard learned counsel for the parties.

The petitioner is aggrieved by cancellation of his PDS license. According to him, the same was cancelled due to one day closure of the shop.

Learned counsel for the State on the other hand submits that there were other allegations against the petitioner. The petitioner filed appeal against the order passed by the Sub Divisional Officer, Hathuwa, Gopalganj, which was dismissed. He, thus, preferred a revision before the Commissioner, Saran



Division, Chapra. We have perused the order passed by the Commissioner. The operative part thereof reads as under:

“Considering the facts and circumstances of the case, material available on records, pleadings advance by the learned counsel for the parties and on perusal of the impugned order, it appears that the petitioner's licence has been cancelled for serious charges like non distribution of food grains regularly and in prescribed quantity and rate to the consumers attached with his PDS shop as well as for closure of shop on the day of inspection without any prior notice. Obviously, these are serious irregularities on the part of the petitioner because she deprived the poor people from their right of getting subsidized grains through PDS. The contention of the petitioner is that the persons alleged to have stated about the irregularities at the time of inspection later on denied the same through affidavit. I do not find much substance in the said contention of the petitioner in view of the fact that the said affidavit might have been procured by the petitioner as an after thought ploy to defend herself from the alleged charges. It is seen that the learned D.M. in his detailed order has discussed each and every aspects of the case appropriately before arriving at the final findings of fact that the petitioner has violated the terms and conditions of PDS licence. The learned counsel for the petitioner has failed to point out any specific illegality in the said order so as to enable this Court to make any interference in the said order.”

In our considered view, the order is mere repetition of the contentions raised by the State. There appears to be no independent application of mind for cancellation of PDS license. The authority has to show that there has been serious



violation of the conditions as no cogent reasons are forthcoming on record.

We set aside the order passed by the Commissioner and remit the matter to him for decision afresh after affording opportunity of hearing to the parties. He shall endeavour to decide the matter expeditiously, in any case, not later than eight weeks.

The writ petition stands disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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