

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15027 of 2021

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Mithilesh Kumar Son of Late Bankey Singh Resident of Village- Karadih,
Gram Panchayat Nalanda, P.S.- Silao, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food and Consumer Protection, Patna.
2. The Divisional Commissioner Patna.
3. The District Magistrate Nalanda.
4. The Sub Divisional Officer Cum Licensing Authority Rajgir, Nalanda.
5. The Supply Inspector Silao, Nalanda.
6. The Block Supply Officer Silao, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Shivam. Adv.
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC4

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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 : 11-11-2022

Heard Mr. Ajay Kumar Thakur, learned
counsel for the petitioner and Mr. Upendra Pratap
Singh for the State.

The license of the petitioner has been
cancelled by the order of the licensing authority,
which order has been affirmed by the appellate
as well as the revisional authorities.

The petitioner was issued a show-cause



notice to explain as to why the display board was not maintained in accordance with the terms of license and why the beneficiaries were afforded lesser quantity of food-grains and kerosene oil but they were charged more for what was given to them.

The learned counsel for the petitioner has submitted that the explanation offered by him was not carefully analysed or adverted to. It appears from the enquiry report, which has been made part of the petition, that all the beneficiaries, who are stated to have been handed over lesser quantity of food-grains and kerosene oil, have testified to their having received 20 kgs of food grains and 2 litres of kerosene oil for which the fixed price has been charged from them.

The orders passed by the authorities do not reflect as to how they have come to the conclusion that the beneficiaries were given 5 kgs less than their entitlement and were



charged more.

Though the petitioner has come up with an explanation that the accusation is false and that some of the beneficiaries may have been given lesser quantity of kerosene oil but that was not deliberate but such explanation is not worth accepting.

What we find from the enquiry report is that there is no exact description of the materials which has led the licensing authority as well as the appellate and the revisional authorities, who come to the conclusion that the beneficiaries were given lesser quantities of food-grains and kerosene oil for which they were charged more than the fixed price.

In view of such doubtful enquiry report, we are not able to sustain the orders passed by the authorities.

For the afore-noted reason, we set aside the orders passed by the licensing authority, the appellate authority and the revisional authority



and direct that a fresh order be passed by the licensing authority, giving reasons in support of the same within a period of 60 days, to be counted from the date of receipt/production of a copy of this order.

With the afore-noted direction, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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

