

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14984 of 2021

Uma Shankar Prasad @ Uma Shankar Pd. Yadav Son of Sohan Rai Resident
of Village- Parei, P.S.- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Civil Supply Deptt. Govt. of Bihar, Patna.
2. The District Magistrate Cum District Collector Distt. East Champaran, Motihari.
3. The District Supply Officer Motihari, Dist. East Champaran.
4. That Sub- Divisional Officer Sikrahra, Dhaka, Dist.- East Champaran.
5. The Block Supply Officer Dhaka, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

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

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 08-03-2022 The present petition has been filed for quashing the order dated 14.09.2019 passed by the Sub-Divisional Officer, Sikarhana, Dhaka, District-East Champaran, whereby and whereunder the license of the P.D.S. shop of the petitioner bearing No. 104/07-08 has been cancelled.

At the outset, the learned counsel for the petitioner has raised a short issue for consideration to the effect that the license of the P.D.S. shop of the petitioner has been cancelled



only on the ground that the shop was closed for one day, i.e. on 19.06.2019.

The learned counsel for the petitioner has also referred to a judgment reported in **2012(3) PLJR 583 (Turant Lal Paswan vs. The State of Bihar & Ors)**, paragraph nos. 2 to 5 whereof are reproduced herein below:-

- “2. *The petitioner was the licensee of a fair price shop at village-Maniyari, Block-Bahadurpur, District-Darbhanga granted under the 2007 Order. The license granted to the petitioner has been cancelled on 26th April, 2010 on the premise that at the time of spot inspection on 15th January, 2010 the shop was closed. The petitioner had closed the shop to attend his ailing family member in the hospital. The order also reflects that the petitioner had a controversial and blotted history.*
3. *The petition is contested by the State Government. A counter affidavit has been filed. The affidavit on record does not disclose any untoward incidence in the past. The show cause notice was issued on 15th January, 2010 in respect of as many as eight allegations made against the petitioner. However, only on one allegation of closing the shop on 15th*



January, 2010 the order of cancellation of license has been made.

4. *We find that admittedly the petitioner did close the shop on the particular day. Though, the action of keeping the shop closed on one particular day was in breach of the terms and conditions of the license and may not be justified, was not such grave violation that would entail cancellation of license.*
5. *For the aforesaid reasons, this writ application is allowed. Order dated 26th April, 2010 made by the Sub-Divisional Officer, Sadar Darbhanga is quashed and set aside. The legal consequences shall follow.”*

Per contra, the learned counsel for the petitioner has not disputed the law laid down by this Court in the case of **Turant Lal Paswan** (supra) as also the fact that in the present case also the shop was closed only for one day.

Having regard to the facts and circumstances of the case and considering the law laid down by the learned Division Bench of this Court in the case of **Turant Lal Paswan** (supra), we deem it fit and proper to quash the order dated 14.09.2019 passed by the Sub-Divisional Officer, Sikarhana, Dhaka, District-East Champaran.



The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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