

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18194 of 2021

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Dilip Kumar Singh, male age 47 years, Son of Ramdarshan Singh Resident of
Village Amorjamurza PS Charpokhari District Bhojpur Ara.

... .. Petitioner

Versus

1. The State of Bihar through the Divisional Commissioner, Patna.
2. The Divisional Commissioner, Patna.
3. The Divisional Commissioner, Bhojpur, Ara.
4. The District Magistrate, Bhojpur, Ara.
5. The Sub Divisional Officer, Piro, Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Ms. Manini Jaiswal, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 11-01-2022

This case has been taken up for online hearing through
video-conference because of COVID-19 pandemic restrictions.

2. The petitioner was granted a license to run a PDS shop under the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016 (for short ‘ the Control Order, 2016). The said license came to be cancelled by an order dated 14.06.2012 passed by the Sub Divisional Officer, Piro. The petitioner’s appeal preferred against the said order of the Licensing Authority came to be dismissed by an order dated 31.07.2019



passed by the District Magistrate, Bhojpur, Ara. The petitioner, thereafter, preferred a revision application before the Divisional Commissioner, Patna against the order of cancellation of license which has been dismissed by an order dated 05.08.2021. The said orders dated 14.06.2012, 31.07.2019 and 05.08.2021 are under challenge in the present writ application.

3. Learned counsel appearing on behalf of the petitioner has submitted that the impugned order passed by the Licensing Authority cancelling the petitioner's license is in clear violation of principles of natural justice inasmuch as the show cause notice was issued to the petitioner for cancellation of license upon receipt of an inspection report which was never supplied to him. She contends that the very basis for initiation of the process for cancellation of license having not made known to the petitioner, the action of the respondents cannot be justified which are patently illegal and deserve interference by this Court in the present proceedings under Article 226 of the Constitution of India.

4. In response to a query made by us as to whether the petitioner had raised any grievance in relation to non- supply of the inspection report while filing his reply to the show cause notice, learned counsel for the petitioner has answered in negative. It is evident from Annexure-2 of the writ application, which is the



petitioner's reply filed in response to the show cause notice that the petitioner had not taken any plea in respect of non-supply of inspection report. It appears from the pleadings on record that the petitioner has not pleaded any prejudice caused, in fact, because of non -supply of the said inspection report. On the contrary, in his reply to the show cause notice, while admitting the allegation that the petitioner was not present at the shop at the time of inspection, in order to justify or cover- up his absence, he took a plea of his ailment and his treatment by a doctor.

5. Be that as it may, considering the nature of plea taken by the petitioner in response to the show cause notice for cancellation of the petitioner's license and the admitted fact that the petitioner had not raised such plea as regards non-supply of the inspection report, the petitioner's challenge to the impugned action on the ground of non-supply of such report in the present proceeding is untenable, in our opinion. The petitioner was admittedly given an opportunity of hearing. The order passed by the Licensing Authority is speaking and reasoned which takes into account the plea and the points taken by the petitioner in his reply to the show cause notice. The orders passed by the Appellate Authority and the Revisional Authority are there on record which to are reasoned speaking. It is well settled legal principle that this



Court exercising power of judicial review under Article 226 of the Constitution is required to ascertain whether there is any legal infirmity in decision making process or not.

6. We do not find any legal infirmity in the decision making process requiring this courts interference. We are, therefore, not inclined to interfere in the present matter.

7. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	21.01.2022
Transmission Date	

