

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19891 of 2021

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Jwala Prasad @ Jwala Prasad Singh Son of Late Baidya Nath Prasad Singh,
Resident of Village - Lauwa Kala, Ward No. 13, near - Road, Police Station-
Baniyapur, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Saran Division, Saran at Chapra.
3. The District Magistrate, Saran at Chapra.
4. The District Supply Officer, Saran at Chapra.
5. The Sub-Divisional Officer, Sadar Chapra, Saran at Chapra.
6. The Circle Officer, Baniyapur, Saran.
7. The Block Supply Officer, Baniyapur, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 03-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“i. For issuance of an appropriate writ in the nature of certiorari for quashing the memo no. 334 issued dated 03.03.2012 issued under the signature of the Sub Divisional Officer Sadar Chapra, by which the license of the petitioner under Public Distribution System bearing license No. 13/2007 has been cancelled with immediate effect, without appreciating the correct facts and

circumstances.

ii. For issuance of an appropriate writ in the nature of certiorari for quashing the order passed by the District Magistrate, Saran at Chapra in Supply Appeal No. 39/2012 (Jwala Prasad Singh Vs the State (through Sub Divisional Officer, Sadar) on 11.02.2016 by which, he had upheld the order passed by the Sub-Divisional Officer, Sadar, Chapra cancelling the P.D.S. license of the petitioner on erroneous grounds.

iii. For issuance of an appropriate writ in the nature of certiorari for quashing the order passed by the Commissioner, Saran Division, Chapra in Supply Revision No. 106 of 2016 (Jwala Prasad Singh vs. the State (through Sub Divisional Officer, Sadar) on 09.10.2019 by which, also the Revision filed by the petitioner against the order of the District Magistrate, Saran at Chapra, has been dismissed.

IV. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to restore the license of the petitioner bearing license no. 13/07, which has been cancelled by the respondent authorities concerned on the erroneous grounds and without appreciating the facts mentioned in the show cause reply submitted by the petitioner before the respondent authorities concerned.

V. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the present case.”

The impugned order dated 03.03.2012 passed by Respondent No. 5, namely, the Sub-Divisional Officer, Sadar Chapra, Saran at Chapra is a cryptic and non-speaking order and entails civil consequences as it affects the petitioner’s rights.

In view of the submissions made and the grounds mentioned in the petition, the impugned order dated 03.03.2012 passed by Respondent No. 5, namely, the Sub-Divisional Officer, Sadar Chapra, Saran at Chapra cancelling P.D.S. Licence No. 13/2007 of the petitioner, is quashed and set aside as well as consequential appellate order dated 11.02.2016 passed by District Magistrate, Saran at Chapra in Supply Appeal No. 39/2012 and Revision order dated 09.10.2019 passed by Commissioner, Saran Division, Chapra in Supply Revision No. 106 of 2016 is also set aside with liberty to the petitioner to approach Respondent No. 5 afresh.

Petition is disposed of in the following terms:

- (a) The petitioner shall make himself available before the The Sub-divisional Officer, Sadar, Gaya on 24.02.2022;
- (b) On the said date, the entire material shall be supplied to the petitioner;
- (c) Within two weeks thereafter, petitioner shall file response, complete in all respects;
- (d) Petitioner shall fully cooperate and not take any unnecessary adjournment;
- (e) The officer shall pass an order assigning reasons within a period of three months thereafter;

(f) While considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

(g) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	