

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22238 of 2019

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Ramjatan Paswan Son of Karu Paswan, Resident of Village- Kumar Bigha,
Village - Panchayat- Amraha, Police Station- Chakand, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Assistant District Supply Officer, Sadar Gaya.
5. The Block Supply Officer, Town Block, Distt.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Respondent/s : Mr.Vijay Kumar Sinha, Advocate

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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 : 05-12-2022

Heard Mr. Binay Kumar, the learned Advocate for
the petitioner and Mr. Vijay Kumar Sinha for the State.

The licence of the petitioner has been cancelled by
holding the explanation offered by the petitioner
pursuant to the show cause notice served upon him, to
be vague and unsatisfactory.

On the complaint of some of the persons, claiming
themselves to be beneficiaries attached with the shop of



the petitioner, an enquiry was conducted. Show cause notice was issued and after adverting to the explanation offered by the petitioner, the licence was cancelled.

There was primarily one charge against the petitioner that the complainants were not afforded food-grains by him.

In support of the afore-noted allegation, it was clearly stated by the petitioner in the show-cause reply that the complainants were not the beneficiaries attached with the shop of the petitioner and, therefore, they were not given food-grains.

In fact, an attempt was made by the petitioner to have their ration-cards cancelled because of their using illegal means to anyhow coerce the petitioner from giving them food-grains which they were not entitled, but no action was taken against them.

The licensing authority has rejected the explanation of the petitioner on the ground that the circumstances under which the complainants were not given the food-



grains have not been explained and no evidence has been brought forth by the petitioner regarding his complaint against such complainants for cancellation of their ration-cards.

Both the grounds for rejecting the plea of the petitioner does not appear to be cogent; rather it appears that the order has been passed without application of mind.

For the afore-noted reason, the order impugned is set aside, and the matter is remitted to the licensing authority to pass a fresh order in accordance with law, giving reasons in support of same within a period of 60 days, to be counted from the date of receipt/production of a copy of this order.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Mahesh/HR

AFR/NAFR	NAFR
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