

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1186 of 2023

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Bhikhar Singh Son of Late Sukhdeo Singh Resident of Village- Dindir
(Dilawarpur), P.S.- Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Addl. Secretary Food and Civil Supply,
Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Aurangabad.
4. The Sub-Divisional Officer, Daud Nagar, District- Aurangabad.
5. Block Supply Officer, Haspura, District- Aurangabad.
6. Circle Officer, Haspura, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 03-04-2023

The petitioner assails the order of cancellation
of his license and the order passed by in appeal rejecting it on
20th February 2021 and the order passed on 10.11.2022 whereby
the revision was also rejected by the Commissioner.

Learned counsel submits that the petitioner was
not present on the day when the inspection was conducted as he
had gone out for treatment of his wife and, behind his back, the
inspection of the shop could not be done and his cancellation of



license dated 20th September, 2017 is wrongful and illegal. The appellate authority as well as the revisional authority failed to consider the arguments raised by the petitioner.

Learned counsel further submits that the petitioner ought to be given a copy of the inquiry report which was prepared by the inspecting team.

Per contra, learned counsel appearing for the respondents submits that the petitioner has already availed the remedies available under the *Bihar Targeted Public Distribution System (Control) Order, 2016* and both the authorities have found that the order of cancellation to be proper and in accordance with law and no interference is warranted.

I have considered the submissions. I find that the petitioner was issued a show-cause notice after the inspection was conducted. It was found that the shop was lying closed and there were statements recorded of the consumers who had made allegations of the petitioner not performing his duties in accordance with the conditions of the license and, therefore, his current license was cancelled. The petitioner did not file any reply to the show-cause notice. It is impossible to deduce the reasons which have come forward in the writ petition to be correct in view of the fact that the petitioner, at the initial



stage, has not filed a reply to the show-cause notice. No reasons are coming forward for not filing reply to the show-cause notice. The appellate authority and the revisional authority have considered all the aspects. As such, no interference is warranted.

This writ petition is dismissed with the aforesaid liberty.

(Sanjeev Prakash Sharma, J)

Gauravkr/-
Item No. 32

AFR/NAFR	
CAV DATE	
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