

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2699 of 2023

=====

Kanhaiya Prasad @ Kanhaiya Lal Prasad Son of Ram Chandra Das, Resident
of Village- Kasthal P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar,
Patna.
3. The Commissioner, Gaya Division, Gaya.
4. The District Magistrate, Gaya at Gaya.
5. The Sub-Divisional Officer cum- Licensing Authority, Tekari, District-
Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Adv. Mr. Ashutosh Kr. Adv.
For the Respondent	:	Mr. Indra Mohan Kumar, Adv. Mr. U.P. Singh, Advocate

=====

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

ORAL JUDGMENT

Date : 10-04-2023

The petitioner, by way of this writ petition,
assails the order dated 30th March, 2019 issued vide memo No.
109 by the Sub-Divisional Officer Tekari, Gaya and the order
dated 20th February 2020 passed in Supply Appeal No. 27/2019



by the District Magistrate, Gaya as well as the order dated 01.12.2022 passed in Supply Revision Case No. 02/2022 by the Commissioner, Magadh Division, Gaya by exercising the powers of revision under Rule 32.

Learned counsel for the petitioner submits that the petitioner had submitted a detailed reply to the show-cause notice issued by the licensing authority, which has not been considered by the authorities and the allegation of black marketing has been wrongfully assumed against him.

Learned counsel further submits that the petitioner had received only one truck of the ration goods and innocently he signed on the challan for two trucks, as the driver made him believed that the another truck is about to come in the evening.

Learned counsel submits that the petitioner is innocent and he should not be made to face such a slur as he has never been found to be indulged in black marketing.

I have considered the submissions. The Licensing authority, the appellate authority as well as the revisional authority have all examined the aspects in detail. The District Collector has noticed that the PDS dealer has signed on the challan meant for the PDS shop which was not found duly



signed at the time of inspection. It was also noticed that the concerned food material was being uploaded by the truck at another shop of PACCS illegally and a presumption can be drawn of the misuse of the concerned food ration which was actually meant to be distributed at the PDS shop of the petitioner.

While the petitioner's contention of having ignorantly signed the challan papers of receiving two trucks of rice, may have been done innocently but this Court is unable to accept such contention. A PDS license holder is required to act responsibly. He is required to follow the rules and conditions of license. Both the conditions of license are mandatory and are required to be followed verbatim without fail.

In the event of the said conditions being violated, the license can be cancelled. The petitioner has admitted to have signed challan of two trucks while the goods of only one truck was unloaded at the PDS shop of the petitioner. The decision of the respondents, therefore, on having seized another truck at a different location, presumption of the petitioner to be involved in misusing blackmarketing of the ration goods for black-marketing or otherwise, cannot be said to be unjustified or illegal.



In view thereof, the action of the respondent is found to be within the four corners of the provisions of the rules and conditions of license. As such, no interference, therefore, is warranted.

The writ petition is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Gauravkr/-
Item No. 36

AFR/NAFR	
CAV DATE	
Uploading Date	18.04.2023
Transmission Date	

