

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3825 of 2023

Pyarelal Sah S/o Shivnandan Sah, R/o village- Siswa, Mauje- Laukariya, P.S.-
Paharpur, District- East Champaran ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Motihari, East Champaran.
4. The Sub Divisional Officer, Areraj, East Champaran.
5. The District Supply Officer, East Champaran, Motihari.
6. The Block Supply Officer, Paharpur, East Champaran ... Respondents

Appearance :

For the Petitioner : Mr.Ajay Kumar Sinha, Adv.
For the Respondents : Mr.S. Raza Ahmad, AAG V

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 27-06-2023

Heard the parties.

The present writ petition has been filed for the following
reliefs :

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing of the order dated 18.01.2023 passed by the Commissioner, Tirhut Division, Muzaffarpur, whereby and where under he has dismissed the Revision petition and held that there is no necessity to interference in the order passed by the lower Executive courts.

(ii) Whereby and where under the said Appeal has been dismissed and affirmed the order dated 10.11.2018 vide memo no. 14/Go dated 10.11.2018 passed by the Sub Divisional Officer, Areraj, East Champaran, cancelling the fair price shop license of the petitioner bearing No. 71/2016 with immediate effect.

(iii) To direct the respondent No. 4 (Hereinafter referred to as Sub Divisional Officer, Areraj, East Champaran) licensing authority under the Bihar Targeted Public



Distribution System (Control) Order, 2016 to restore of the PDS license of petitioner hence forth with.”

The brief fact for the purpose of deciding this case are that the petitioner was appointed as public distribution system (PDS) dealer. Thereafter a sudden inspection took place on 13.10.2018 by the Sub Divisional Officer, Areraj, East Champaran. During the course of inspection, it was found that for several irregularities were made by the petitioner (i) Kerosene oil for the month of October, 2018 was not lifted, (ii) the stock-cum-price Board was not properly updated, (iii) the distribution of food grain under ANTODAY scheme for the month of January 2018 to September, 2018 was shown distributed on a single day (iv) False entry of distribution of food grain for the month of October 2018 was entered in the ration card of beneficiaries without distributing it (v) it was found that the food grains were siphoned by the petitioner. Thereafter a show cause notice was issued to the petitioner on 13.10.2018 vide letter no. 391 and also on 02.11.2018 vide letter no. 411. Even though the petitioner filed a show cause reply to the said letter, the same was found unsatisfactory and a reasoned order was passed vide Memo No. 14, dated 10.11.2018. Thereafter, the petitioner has preferred a PDS Appeal No. 26 of 2019 which was dismissed by the Sub Divisional Officer, Areraj, East Champaran, by order, dated 23.01.2021. Even though the petitioner has preferred a revision before the Divisional



Commissioner, Tirhut Division, Muzaffarpur, vide Revision No. 98 of 2021, the Divisional Commissioner has dismissed the same on 18.01.2023.

Aggrieved thereof the petitioner has preferred the present writ petition. In the counter affidavit filed by the respondents it is submitted that the petitioner was given ample opportunity of hearing and to submit his explanation but the same was found unsatisfactory. All the authorities have found the petitioner guilty of the allegation made against him and, therefore, no interference is called for in the present writ petition.

Admittedly, in the present case the petitioner has made false entries in the ration card of 52 beneficiaries showing distribution for the month of October, 2018. The authorities duly taking into consideration the statement of the beneficiaries and asserted about the distribution during the course of inspection have taken a decision to cancel the PDS license. Both the appellate as well as the revisional authorities have found the petitioner guilty of the violation of Bihar Targeted Public Distribution System (Control) Order, 2016. When queried by this Court as to how the petitioner can assail the order when the petitioner himself admitted to the fact about the false entries made in respect of 52 beneficiaries, the counsel for the petitioner has stated that due to the poor eye sight of the petitioner he



has made the wrong entries. This Court is not convinced with either the answer given or the explanation given to the show cause notice by the petitioner before the authorities where he has taken the very same stand. The same is not convincing nor can it be believed that the petitioner has made false entries with respect of 52 beneficiaries due to poor eye sight.

Having regard to the fact that all the authorities, i.e., primary, appellate and revisional have found the petitioner guilty of siphoning of the grains meant for public distribution which finding of fact can not be interfered by this Court under Article 226 of the Constitution of India.

Therefore, this Court is not inclined to entertain the present writ petition and the same is dismissed accordingly.

(A. Abhishek Reddy , J)

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