

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5511 of 2023

Prabhu Dyal Rai @ Prabhu Dyal Sharan S/o Late Ganour Prasad, Resident of
Village - Gaus Nagar, P.O. and P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Department, Bihar, Patna.
2. The Divisional Commissioner, Tirhut, Muzaffarpur.
3. The District Magistrate cum Collector, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Sub-Divisional Officer, East Muzaffarpur.
6. The Block Supply Officer, Gaighat, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the State : Mr. Anisul Haque, AC to AAG-5

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

ORAL ORDER

2 27-04-2023 1. The petitioner by way of this writ petition assails the order of cancellation of PDS licence, issued by the S.D.O. dated 28.09.2013, whereafter he filed a writ petition before this Court bearing C.W.J.C. No. 2414 of 2014. The writ petition was allowed to be withdrawn with liberty to file an appeal. An Appeal was thereafter filed on 03.08.2016 and the said appeal was rejected by the Collector on 7th July, 2020. He preferred a revision petition before the Commissioner, which was also dismissed vide order dated 10.02.2022.

2. Learned counsel for the petitioner submits that he was not available on the shop as he was unwell and had gone to



see a Doctor for treatment. The prescription of the concerned Doctor has been placed on record.

3. Learned counsel for the petitioner further submits that on the basis of statements of consumers, the licence has been cancelled, which is unjustified.

4. I have considered the submission, the licence was cancelled way back in 2013 and almost nine and half years have gone by. No purpose would be served in restoring licence after such a long period. That apart, this Court also finds that all the fact finding authorities namely the Appellate Authority as well as the Revisional Authority have not accepted the version put up by the petitioner and complaints were recorded of the consumers, which have been made as a basis for cancellation of licence. No fault can be found in the orders passed by the Appellate Authority as well as the Revisional Authority.

5. In view of above, no interference is warranted.

6. Accordingly, the writ petition stands dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 25

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