

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6018 of 2019

Shiv Kumar Paswan Son of late Tirth Paswan Resident of Village- Vijaura,
P.S.- Bhagwanganj, P.O.- Mokar, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna, Bihar.
3. The Collector, Patna.
4. The Sub Divisional Officer, Masaurhi, District- Patna, Bihar.
5. The Block Extension Officer, Dhanarua, District- Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Adv.
For the State : Mr. U.P. Singh, AC to SC 4

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 20-03-2023

1. The petitioner, by way of this writ petition, assails the order dated 21.01.2019 passed by the Commissioner, the order dated 07.05.2014 passed by the Collector in appeal and the original order of cancellation dated 02.04.2012 passed by the S.D.O., whereby the license for running PDS shop was cancelled and upheld by the appellate authority and the revisional authority.

2. Learned counsel submits that the petitioner should have been given a proper opportunity to defend himself and a copy of the inquiry/inspection report should have been made available to the petitioner.



3. This Court finds that the inspection was conducted in the presence of the petitioner and he has not raised this contention about non-supply of inspection report before any of the aforesaid authorities. In the facts of the case, therefore, it cannot be said that the petitioner has been prejudiced on account of non-supply of copy of the inspection report. Keeping in view the law as laid down in **Managing Director ECIL Hyderabad & Ors. Vs. B. Karunakar & Ors.** reported in **(1993) 4 SCC 727**, the petitioner cannot be said to have been prejudiced for non-supply. A new plea which has not been taken before the appellate authority or before the revisional authority cannot be taken up in writ petition and the argument, therefore, deserves to be rejected. The license was cancelled way back in 2012 and more than ten years have passed by.

4. The writ petition is dismissed. However, the petitioner shall be free to apply afresh, if he so chooses.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 30

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

