

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7911 of 2019

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Ram Krishna Singh, male, aged about 60 years, Son of Late Bindeshwar Singh, resident of Village- Sauriya, P.S.- Manpur Sauriya Buzurg, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Supply, Govt. of Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The S.D.O., Pupri, Sitamarhi.
5. The Sub-Divisional Welfare Officer, Pupri, Sitamarhi
6. The Block Development Officer, Bokhra, Pupri, District - Sitamarhi.
7. The Block Supply Officer, Bhokhra, Pupri, District - Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Najmul Hodda, Adv.

For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 02-01-2023

Heard Md. Najmul Hodda, the learned

Advocate for the petitioner and Mr. Anisul Haque, the



learned counsel for the State.

2. The petitioner got a new house and shop constructed. During the period when the construction was under-way, a complaint was lodged by one of the beneficiaries that during such period, the disbursement of the food-grains to the targeted beneficiaries were highly irregular. Except for this solitary complainant, nobody else from amongst the attached targeted beneficiaries had made any complaint.

3. The matter was inquired into and a report came forthcoming that the new construction was made by the petitioner but because of excessive rains during the period, the register of receipts and disbursal for one year got misplaced.

4. The learned Advocate for the petitioner submits that these two facts, even if found to be correct, cannot lead to any inference that the disbursement during that period was irregular; which allegation required specific charge against the



petitioner. It appears that only on these two grounds, which formed part of the report after an enquiry and on an opinion of the Block Development Officer, the licence of the petitioner was cancelled.

5. We find that there is no specific accusation with respect to irregular disbursement during the period when the new construction of house and shop was underway.

6. The order appears to have been passed on inferences without any basis.

7. For an order to be sustained on that ground, a specific charge is required to be made with respect to irregular disbursement and a reply is required to be sought from the licensee. That not having been done, we do not find any good reason to sustain the order.

8. For the reason afore-noted, the order cancelling the licence of the petitioner by the licensing authority is set-aside.



9. The matter is remitted to the licensing authority for it to issue a fresh notice to the petitioner with specific/distinct charge of irregular disbursal of the food-grains to the beneficiaries during the period when the construction was underway and on receiving the reply of the petitioner, for which he shall be given a reasonable time, a final order shall be passed within a period of 60 days of the receipt of such reply.

10. The order so passed by the licensing authority shall be made available to the petitioner forthwith.

11. With the aforesaid observation/direction, the writ petition stands allowed.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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