

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15669 of 2016

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Mukha Ram, Son of Late Munni Ram, Resident of Village Surgahiya,
Panchayat- Sutihara, Police Station and Block- Parihar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Sitamarhi.
4. The Sub- Divisional Officer, Sadar, Sitamarhi.
5. The Block Supply Officer, Parihar, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.
For the Respondent/s : Mr. Sanjay Kr. Giri GP 9

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

- 4 20-03-2023 1. The petitioner, by way of this writ petition, assails the order of cancellation of his license passed by the S.D.O. on 06.01.2016, the order passed by the appellate authority i.e. collector dated 03.04.2016 and the order passed in revision dated 15th July 2016 whereby the petitioner's license was cancelled and upheld in appeal and revision respectively.
2. Learned counsel for the petitioner submits that there was not even a single complaint against the petitioner and the entire exercise of cancellation of license is passed on a false report prepared by the respondents.
3. Learned counsel for the petitioner submits that on the



ground of suffering from illness the wheat which was collected by the petitioner was not distributed in time but as soon as the petitioner recovered, he distributed the said wheat also. In these circumstances, the learned counsel for the petitioner submits that the orders passed by the aforesaid authorities are vitiated and suffer from non-application of mind. The findings which have been arrived at deserve to be set aside.

4. Per contra, learned counsel appearing for the State submits that the license was issued with certain conditions which were required to be followed strictly by the petitioner. It is submitted that on an inspection it was found that the dealer had collected the material but did not mention the same in the register and also did not distribute it to the consumers and such act was with an intention to do black-marketing.

5. Learned counsel appearing for the State has also taken this Court to the order passed by the S.D.O. who has considered the representation of the petitioner and looked into the various aspects of the inspection report. It has been noticed that the distribution of the food material was only after the inspection had been conducted by the authority and, therefore, it cannot be said that merely on the ground of being unwell the distribution could not be done.



6. I have considered the submissions. The licensing authority namely, the S.D.O. has passed an order after taking into consideration all the submissions raised by the petitioner. The said order was re-examined in revision thoroughly by the Commissioner. The Commissioner has also reached the findings that the petitioner who stated to be unwell for a particular period, has actually been distributing the kerosene oil during the said period but cannot explain why he could not distribute the wheat and other food articles. The reason for being unwell has, therefore, been found to be a mere lame excuse.

7. This Court, while sitting in writ jurisdiction, has a very limited scope to interfere. Once on facts the concerned authorities have reached to conclusions, unless a perversity is shown in the order or where there is a jurisdictional error, this Court would not interfere with regard to the issue. No right is created in favour of a licensee and the same can be withdrawn upon the conditions of the license not being followed.

8. In view thereof, the writ petition is misconceived and is, accordingly, dismissed.

Suraj/-
Item No. 59

(Sanjeev Prakash Sharma, J)

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