

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9586 of 2022

Om Prakash Chaudhary, s/o Rajendra Chaudhary, Resident of Village-
Mahmada, Panchacyat-Harpur Mahmada, P.S.-Pusa, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Samastipur.
3. The Sub-Divisional Officer, Samastipur.
4. The Block Supply Officer, Pusa, District Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari- Advocate
For the State	:	Mr. Alok Ranjan- Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 16-01-2023 1. Heard Mr. D. N. Tiwari, the learned

counsel for the petitioner and Mr. Alok Ranjan, the

learned counsel for the State.

2. The petitioner has challenged the order

dated 12.05.2022 passed by the Licensing Authority,

namely, the Sub Divisional Officer, Samastipur whereby

the license of the petitioner has been cancelled.

3. The slender ground taken by Mr. Tiwary

is that the order passed by the Sub Divisional Officer is

based only on the opinion of the Block Supply Officer.



4. It has been urged on behalf of the petitioner that while cancelling the license of a P.D.S. dealer, the Licensing Authority has to satisfy himself that any condition of the license or any provision of the Bihar Targeted Public Distribution System (Control) Order, 2016 has been violated.

5. From the perusal of the order impugned, it appears that the same is primarily based on the opinion of the Block Supply Officer before whom the matter was sent for giving his opinion.

6. There is no difficulty in making a discrete enquiry before coming to any final conclusion. But basing the decision solely on the opinion of the Block Supply Officer is not warranted under the Control Order of 2016. The satisfaction has to be of the Licensing Authority and not of the other functionary under the scheme.

7. While granting license, the application of an aspirant is sent by the Licensing Authority to the



Block Supply Officer / Supply Inspector for scrutiny and enquiry, whereafter their report along with the recommendation of the Licensing Authority is submitted to the District Level Selection Committee for consideration. This is not the requirement under the Control Order, 2016 for taking a decision with respect to cancellation of the license for breach of any of the conditions of the license.

8. We, therefore, are of the view that the order is not sustainable in the eyes of law.

9. The order impugned is, therefore, set aside. The matter is remitted to the Licensing Authority / respondent no. 3 for writing out a fresh order in accordance with law after giving reasonable opportunity to the petitioner to explain his cause.

10. Needless to state that other stakeholders shall also be heard before a final order is passed.

11. It is expected that the final order shall



be passed within a period of 60 days from the date of receipt / production of a copy of this order.

12. The writ petition stands allowed and disposed off accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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