

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.769 of 2019

Manoj Kumar Gupta, Son of Mahendra Sah, resident of Village- Harpur
Balara, P.S.- Maniyari, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar, through Secretary Food and Civil Supply Department
Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Magistrate, West Muzaffarpur.
4. The Block Supply Officer, Kudhani, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shankar Kishore Shahi, Advocate
For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-07-2023

The appellant was the petitioner before the learned
Single Judge. The appellant sought for setting aside the order of
cancelling his license as a P.D.S. dealer.

2. The brief facts to be noticed are that on
21.08.2014, there was an inspection carried out in the shop of the
petitioner in which certain irregularities were found and show-
cause notice was issued to him. The competent authority
considered the reply submitted by the appellant and cancelled the
license of the shop. The appellant moved the Appellate Authority
which upheld the cancellation. Thereafter in C.W.J.C. No. 3818



of 2016 by judgment dated 20.12.2016, the order of cancellation was set aside directing the licensing authority to pass fresh orders after supply of inquiry report to the appellant. Pursuant thereto, there was a further show-cause notice issued along with the inquiry report on which an explanation was filed by the appellant, rejecting which the licensing authority again cancelled the license by order dated 20.04.2017; which order was challenged in the writ petition. The learned Single Judge found that there was no cause to interfere with the order passed which had been passed in due compliance of the principles of natural justice. The other decision relied on was found to be on different circumstances.

3. Before us also, the learned counsel for the appellant submitted that the copy of the inquiry report was not supplied despite a direction so to do in the writ petition filed before this Court. We notice that the learned Single Judge has specifically found that there was no such objection raised when the reply was filed to the 2nd show-cause notice issued. In fact, the 2nd show-cause notice specifically spoke of the supply of the inquiry report. The petitioner also had relied on the decision of one Brahmanand Paswan in C.W.J.C. No. 1339 of 2018 and one Baleshwar Mahto in C.W.J.C. No. 24739 of 2018. In both the said cases this Court had remanded the matter to the licensing



authority finding the non-supply of an inquiry report having vitiated the proceedings. It is pertinent that, once, in the case of appellant also such a remand was made. Subsequently, pursuant to the orders of this Court, the inquiry report was supplied and the appellant's license was cancelled.

4. It is also evident from the reply filed by the appellant that the inquiry report was supplied to him; since he objects to the statement of the ten beneficiaries recorded in the inquiry report of the Block Supply Officer.

5. The learned Single Judge was perfectly right in dismissing the writ petition especially since this Court is in judicial review and there is no procedural irregularity pointed out. The cancellation was on the basis of an inquiry report pursuant to an inspection carried out in the premises.

6. We find absolutely no reason to interfere with the judgment of the learned Single Judge and reject the appeal.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
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