

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13336 of 2022

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Ram Udgar Ram Son of Late Saryug Ram Resident of Village, Ward no. 12
Yadav Tola near Main Road, Marhiya, P.S. Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Civil food Supply and Consumer Protection Department, Govt. of Bihar Patna.
2. The Divisional Commissioner Darbhanga.
3. The District Magistrate, Madhubani.
4. The District Supply Officer, Madhubani.
5. The Sub-Divisional Officer, Jaynagar, Madhubani.
6. The Block Supply Officer, Basopatti, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Abhinay Raj, Advocate
		Udeshya Kumar Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 27-04-2023

The only reason coming forward for cancellation of the petitioner's license is that on the date of inspection, the petitioner's son, who has been shown as a nominee in the license fee, was present at the shop instead of petitioner himself and the same has been treated as a violation of



condition of license and the license has been cancelled. The Collector too has rejected the appeal. Thereafter, the present writ petition has been filed.

2. *Prima facie*, the action seems to be arbitrary and suffers from malice in law.

3. There is no other allegation against the ration dealer. It cannot be laid down that the ration dealer has to remain at the shop for all times. If his son was sitting in the shop and the shop was open for the consumers, there is no occasion for cancellation of a license. It appears to be an action taken for some personal vengeance.

4. Learned counsel for the State fairly concedes that such action cannot be sustained and he cannot defend such an action. While this Court intends to impose penalty on the concerned SDO, at the behest of the counsel for the respondent, it is directed that the SDO and the appellate authority shall remain careful in future, as such arbitrary action seeks to take away the livelihood not only of the petitioner but his entire family.

5. In view of the above, the order impugned dated 11.05.2021 and the appellate order dated 07.06.2022, passed



by the Collector, Madhubani are quashed and set aside.

- 6. The license is restored to the petitioner.
- 7. The writ petition stands disposed of.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.3

AFR/NAFR	
CAV DATE	
Uploading Date	28.04.2023
Transmission Date	

