

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18812 of 2019

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Harendra Choudhari S/o Mahadeo Choudhary Resident of Village- Simra,
P.S.- Sonapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Aggrawal, Sr. Advocate
		Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC-4

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 09-01-2023 Heard Mr. N.K. Aggrawal, the learned Senior

Advocate for the petitioner and Mr. Upendra Pratap Singh

for the State.

The petitioner has challenged the order dated

24.07.2019, contained in Memo No. 273, by the Licensing

Authority, whereby the license of the petitioner has been

cancelled.

It appears from the impugned order that for

detection of irregularity in the handling of the P.D.S. shop

by the petitioner, a show-cause notice was issued to him



to which he had replied. However, from the documents filed in reply, it was found that the same person was shown to have accepted the foodgrains on behalf of three beneficiaries.

Taking this as one of the instances of mishandling of the P.D.S. shop, the explanation offered by the petitioner was rejected and the license was cancelled.

Mr. Aggrawal has shown to the Court the concerned register, which demonstrates that at serial no. 41, 42 and 43, there are three ration-card holders but all of them belong to the same family and, therefore, one person had been authorized by them to receive the foodgrains against their entitlements. It was only for this reason that one person had signed as the recipient against three ration-card holders.

Be that as it may, from a perusal of the order impugned, it appears that no good reason has been assigned, apart from this solitary instance noted by the Licensing Authority, for rejecting the show-cause reply of



the petitioner lock, stock and barrel. Reasons had to be accorded and if only one reason has been expressed which does not appear to be factually correct, we would not be inclined to sustain such order on legal premise.

For the reason afore-noted, we set aside the order of cancellation of license dated 24.07.2019 and remand the matter to the Licensing Authority to write out a fresh order in accordance with law after adverting to the grounds taken by the petitioner in an objective manner and giving reasons in support of his conclusions.

This exercise shall be concluded within a period of 60 days from the date of receipt/production of a copy of this order.

With the afore-noted direction, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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