

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15249 of 2019

=====

Jyotish Chauhan Son of Late Bhikhi Chauhan, Resident of Village-
Maharadeur, Gram Panchayat Raj Dumra Narendra, P.S.- Bhorey, District-
Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Saran, Chapra.
3. The District Collector, Gopalganj.
4. The Sub-Divisional Officer, Hathua, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 24-02-2025

1. The petitioner has filed the Writ petition
for the following reliefs:

*“(i) For issuance of a Writ/Writs,
order/orders, direction/directions in the
nature of certiorari for quashing the
order dated 28.12.2018 passed in
Supply Rev. No.67/2016 passed by the
learned Commissioner, Saran whereby
and where under Supply Revision
No.67/2016 has been dismissed and
order passed by District Magistrate,
Gopalganj dated 31.10.2014 is upheld
contrary to law laid by this Hon'ble
Court passed in CWJC No.8991/2018*



order dated 18.05.2018. As the petitioner is neither behind bars nor he is fugitive criminal only of the basis of pending criminal case licence of the petitioner has been cancelled which is wrong and not permissible in the eye of law.

(ii) For issuance of a Writ in the nature of Certiorari for quashing the memo No.2058/C dated 31.10.2014 passed by the learned S.D.O. Hathua as contained in Anenxure-7 to the Writ petition whereby and where under the P.D.S. Shop License No.62/2007 issued in favour of the petitioner has been cancelled.

(iii) For issuance of a Writ in the nature of Certiorari for quashing the order dated 18.09.2015 passed in Supply Appeal No.33/2014 by the District Magistrate, Gopalganj contained in Anenxure-8 to this Writ petition whereby and where under the Supply Appeal No.33/2014 has been rejected by the District magistrate and confirm the memo No.2058 (C) dated 31.10.2014.

(iv) Further for direction to the



respondents to restore licence No.62/2007 of PDS Shop of the petitioner.

(v) For any other relief/ reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

2. The brief facts culled out of the petition are that the petitioner's license, as a PDS dealer, was cancelled solely based on the First Information Report filed against the son of the petitioner, bearing Gopalganj Bhore P.S. Case No. 155 of 2014, dated 21.08.2014, following certain complaints. It is further submitted that the S.D.O. Hathua, through Memo No. 1690 dated 08.09.2014, asked the petitioner to show cause within three days regarding the alleged irregularities and also directed him to submit the stock register and distribution register for the month of March, April, and May of 2014. However, due to illness, the petitioner could not submit the show cause within the prescribed time. The S.D.O. Hathua issued a reminder, Memo No. 1926(C) dated 10.10.2014, granting the petitioner time until 18.10.2014 to submit the show cause. In



response, the petitioner submitted his show cause along with the required stock and distribution registers within the stipulated time.

3. It is further contended that the S.D.O. Hathua, vide Memo No. 1730/C dated 11.10.2014, issued another Show Cause Notice to the petitioner requesting response within three days regarding his son, Sunil Chauhan, who had been made an accused in Bhorey P.S. Case No. 155 of 2014, dated 21.08.2014, for black-marketing of the rice. The petitioner submitted his reply to the Show Cause Notice.

4. It is submitted by the Learned counsel for the petitioner that, despite the submission of the show cause by the petitioner, the PDS license of the petitioner was cancelled with immediate effect vide Memo No. 2058/6 dated 31.10.2014, on the grounds that the petitioner's son, Sunil Chauhan, was an accused in Bhorey P.S. Case No. 155 of 2015, under Section 7 of the Essential Commodities Act.

5. At this juncture, the Learned counsel



for the petitioner contends that this matter is squarely covered under the judgment passed by this Court in **CWJC No. 8991 of 2018 (Rameshwar Pandey Versus The State of Bihar & Ors.)**, annexed as Annexure - 8A to the Writ petition. Therefore, it is prayed that this Writ petition may be disposed of on the same terms and conditions.

6. However, on 06.09.2024, the Learned Counsel for the respondents contended that they would verify whether order passed in **CWJC No. 8991 of 2018 (supra)** covers the facts and the circumstances of the case. Today, the Learned Counsel for the respondents, contended that the judgment passed by this Court in **CWJC No. 8991 of 2018 (supra)**, squarely covers the case and submitted that this matter may be disposed of on the same terms and conditions as outlined in the said judgment passed.

7. Heard the Learned counsel for the petitioner as well as the respondents and perused the records.



8. In view of the fact that this matter is squarely covered by the aforesaid judgment, the Writ petition is allowed in light of the judgment passed in **CWJC No. 8991 of 2018 (supra)** and, accordingly, the impugned orders dated 31.10.2014 (Annexure-7), 18.09.2015 (Annexure-8) and 28.12.2018 (Annexure-9) are, hereby, quashed.

9. The Writ petition stands allowed. Needless to say, the supply of articles in terms of the Bihar Targeted Public Distribution System (Control) Order, 2016 shall be restored to the petitioner without delay.

10. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.03.2025
Transmission Date	

