

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.803 of 2023

In
Civil Writ Jurisdiction Case No.5511 of 2023

Prabhu Dyal Rai @ Prabhu Dyal Sharan, aged about 78 years (Male), S/o Late Ganour Prasad, Resident of Village- Gaus Nagar, P.O. and P.S. - Gaighat, District - Muzaffarpur.

... .. Appellant

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Department, Bihar, Patna.
2. The Divisional Commissioner, Tirhut, Muzaffarpur.
3. The District Magistrate-cum-Collector, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Sub-Divisional Officer, East Muzaffarpur.
6. The Block Supply Officer, Gaighat, Muzaffarpur.

... .. Respondents

Appearance :

For the Appellant : Mr. Arbind Kumar Singh, Advocate
For the Respondents : Mr. S. Raza Ahmad, A.A.G.-5 and Mr. Alok Ranjan, A.C. to A.A.G.-5.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

6 02-02-2026 Heard learned counsel for the appellant and learned counsel for the respondents.

2. The present *intra* court appeal has been preferred against the judgment and order dated 27.04.2023 passed by the learned Single Judge in C.W.J.C. No. 5511 of 2023, whereby the writ application filed by the appellant was dismissed.

3. The brief facts of the present case are that the



appellant was a Public Distribution System (PDS) dealer of Boaridih Panchayat under Gaighat Block, District Muzaffarpur. The PDS licence bearing Licence No. 06-GHT-01/08 was cancelled by the Sub-Divisional Officer, Muzaffarpur vide order dated 28.09.2013. Aggrieved by the said cancellation, the appellant preferred a statutory appeal before the Collector-cum-District Magistrate, Muzaffarpur, which was dismissed vide order dated 07.07.2020. Thereafter, the revision filed before the Commissioner, Tirhut Division, Muzaffarpur was also dismissed vide order dated 02.08.2021/10.02.2022. Challenging the aforesaid orders, the appellant filed C.W.J.C. No. 5511 of 2023, which came to be dismissed by the learned Single Judge vide order dated 27.04.2023.

4. In the said writ application, the appellant had sought the following reliefs:

“For issuance of an appropriate writ/order/direction, after setting aside the order dated 02.08.2021/10.02.2022 passed in PDS Revision Case No. 90 of 2020, passed by the Commissioner, Tirhut, Muzaffarpur, Respondent No. 2 and the order dated 07.07.2020, passed in Supply Appeal Case No. 18 of 2016-17 passed by The Collector-cum-District Magistrate, Muzaffarpur, Respondent No. 3 and also setting aside the order issued under Memo No. 646/Aa dated 28.09.2013, passed by the Sub-Divisional Officer, Muzaffarpur, Respondent No. 5,



whereby and whereunder the license of PDS Shop having License No. 06-GHT-01/08 of the petitioner has been cancelled and affirmed by the Respondent Nos. 3 and 2 respectively in appeal and Revision filed by the petitioner on erroneous consideration of fact and law and for grant of any other suitable relief/reliefs for which the petitioner is found entitle in the eye of law.”

5. Learned counsel for the appellant submits that the learned Single Judge failed to consider that the orders passed by the respondent authorities are arbitrary and passed without due application of mind. It is submitted that the settled legal position governing cancellation of PDS licenses were not considered and that the action of the respondent authorities is in violation of the principles of natural justice as well as Articles 14 and 15 of the Constitution of India. It is further submitted that the learned Single Judge failed to take into consideration that the PDS shop of the appellant has not been allotted to any other person till date and has merely been tagged with another shop situated at a distant place, thereby causing inconvenience to the local beneficiaries of the area.

6. Per contra, learned counsel for the respondents submits that there is no illegality, infirmity, or perversity in the impugned judgment. It is further submitted that the orders passed by the statutory authorities are lawful, justified, and in



accordance with the provisions governing PDS licences.

7. The learned Single Judge, upon consideration of the submissions advanced by the parties and upon perusal of the materials available on record, declined to interfere with the orders passed by the statutory authorities and, inter alia, observed as under:

“4. I have considered the submission, the licence was cancelled way back in 2013 and almost nine and half years have gone by. No purpose would be served in restoring licence after such a long period. That apart, this Court also finds that all the fact finding authorities namely the Appellate Authority as well as the Revisional Authority have not accepted the version put up by the petitioner and complaints were recorded of the consumers, which have been made as a basis for cancellation of licence. No fault can be found in the orders passed by the Appellate Authority as well as the Revisional Authority.”

8. The limited question that arises for consideration before this Court is whether the judgment passed by the learned Single Judge suffers from any illegality, infirmity, or perversity, warranting interference in intra- court appellate jurisdiction.



9. We have given our anxious consideration to the rival submissions and have carefully examined the materials available the record. At the outset, it is well settled that the scope of interference in a Letters Patent Appeal is limited and cannot be wider than the scope of the writ petition itself. The Appellate Court, while exercising intra-court appellate jurisdiction, does not ordinarily re-appreciate evidence or interfere with concurrent findings of fact unless such findings are shown to be perverse, arbitrary or suffering from patent illegality.

10. In the present case, the licence of the appellant was cancelled in the year 2013. The order of cancellation was examined by the statutory Appellate Authority as well as the Revisional Authority, both of whom recorded concurrent findings against the appellant. The competent authorities did not accept the explanation offered by the appellant and found that complaints made by the consumers constituted sufficient grounds for cancellation of the license.

11. The learned Single Judge, while exercising writ jurisdiction, has rightly declined to interfere with the concurrent findings recorded by the statutory authorities. We find no error in the observation of the learned Single Judge that, after a lapse



of nearly nine and a half years, no useful purpose would be served in restoring the licence.

12. The submissions advanced on behalf of the appellant before this Court do not point out any infirmity, illegality or perversity either in the orders passed by the statutory authorities or in the judgment rendered by the learned Single Judge. Mere reiteration of the grounds urged before the writ court cannot be a ground for interference in an intra-court appeal.

13. Upon an overall consideration of the facts and circumstances of the case and the legal position governing the matter, this Court finds that the appellant has failed to make out any case warranting interference with the judgment and order passed by the learned Single Judge.

14. Accordingly, the question framed is answered in the negative, and this Court is of the view that the impugned judgment does not suffer from any illegality, infirmity or perversity.

15. In view of the aforesaid discussion and considering the limited scope of interference in a Letters Patent Appeal, we are of the considered opinion that the present appeal is devoid of merit.



16. Accordingly, the present intra court appeal stands dismissed.

17. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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