IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3350 of 2023

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Santosh Kumar Mandal S/o Late Shiv Narayan Mandal, resident of Village and P.S.- Tikapatti, District - Purnea.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Purnea.
3. The Collector cum District Magistrate, Purnea.
4. The Sub-Divisional Officer, Dhamdaha, Purnea.
5. The District Supply Officer, Purnea.
6. The Block Supply Office, Rupauli, Purnea.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Mukesh Kr. Jha, Advocate
Mr. Bhola Prasad, Advocate
For the State : Mr. U.P. Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 21-04-2023

Heard the parties.

2. The petitioner, by way of this writ petition, has prayed as under:-

> *"1. That this writ application has been filed for the following relief (s):-*
> *(i) For quashing the order dated 12.12.2022 passed by the Divisional Commissioner, Purnea in Supply Revision No. 42/2017 whereby the revision was dismissed and order of Collector, Purnea dated 05.12.2015 passed in Supply Appeal No. 45/2012 affirming the order cancelling P.D.S. licence of the*

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petitioner, was affirmed licence of the petitioner was affirmed.

(ii) For that quashing the dated 05.12.2015 passed by the learned Collector, Purnea in Supply Appeal No. 45/2012 whereby appeal of the petitioner against the cancelling PDS Licence dated 04.02.2012 was dismissed.

(iii) For quashing the order dated 04.02.2012 passed by the S.D.O., Dhamdaha whereby the P.D.S. Licence of the Petitioner vide license no. 1/2008 has been cancelled. And for any other relief (s) for which the petitioner is found to be entitled in the facts and circumstance of the case."

3. Apparently, the order of cancellation was passed on 04.02.2012, and more than 11 years have passed by. The petitioner's appeal was examined on merits by the Collector on 05.12.2015, and was rejected. He filed a writ petition before this Court, whereafter, he withdrew and filed a revision petition before the Divisional Commissioner, who again examined the case of the petitioner on merits and found that the order of cancellation does not warrant any interference. The petitioner has again filed this writ petition for restoration of his license which was cancelled more than 11 years back. Learned counsel submits that the grounds raised by the petitioner were not considered by the Revisional Authority.

4. I have considered the submission. The

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petitioner's license was cancelled after conducting an inspection and these aspects have been detailed out and considered at length by the Collector as well as the Revisional Authority. The order passed by both the authorities confirm the order passed by the S.D.O. Concurrent findings of fact have been arrived at, which do not show any perversity, nor any arbitrariness is made out.

5. In view thereof, no interference is warranted in the orders impugned. The writ petition is devoid of merits and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 40

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