IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.711 of 2023
In
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.

... ... Appellant/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 Appellant/s : Mr. Bhola Prasad, Advocate
Mr. Indrajeet Kumar, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5
Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-08-2025

Heard Mr. Bhola Prasad, learned counsel for the appellant and Mr. S. Raza Ahmad, learned AAG-5 for the respondents.

2. The present appeal has been filed under Clause-X of the Letters Patent of Patna High Court Rules against the order dated 21.04.2023 passed by the learned Single Judge, whereby the learned Single Judge dismissed the petition filed by the

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present appellant/petitioner.

3. Learned counsel for the appellant mainly contended that the present appellant is the original writ petitioner, who had preferred the captioned petition before this Court. In the said petition, the appellant/petitioner challenged the order dated 04.02.2012 passed by the S.D.O., Dhamdaha, whereby P.D.S. licence of the petitioner has been cancelled. It is also submitted that the said order passed by the S.D.O. was challenged by filing appeal before the Collector, Purnea by filing Supply Appeal no.45 of 2012. It is submitted that the petitioner, therefore, challenged the order dated 05.12.2015 passed by the Collector, Purnea. The petitioner also challenged the order dated 12.12.2022 passed by the Divisional Commissioner, Purnea in Supply Revision No. 42 of 2017 whereby the revision application submitted by the appellant/petitioner came to be dismissed, thereby the revisional authority confirmed the orders passed by both the lower authorities. The petitioner, therefore, challenged the aforesaid three orders by filing the captioned petition.

4. Learned counsel would mainly contend that the learned Single Judge committed an error by not appreciating the fact that the concerned respondent authority did not supply the

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copy of the inspection report nor they had supplied the statement given by the so called beneficiaries, who had given the statement against the petitioner. Learned counsel, therefore, urged that the respondent authorities violated the principles of natural justice. However, the learned Single Judge has not properly considered the said important aspect.

5. Learned counsel for the appellant thereafter contended that the learned Single Judge has mainly considered the fact that there are concurrent findings of fact arrived at by the concerned authorities which do not show any perversity and, therefore, on that ground the petition filed by the petitioner has been dismissed. Learned counsel, therefore, urged that, on the ground of violation of principle of natural justice, the learned Single Judge ought to have allowed the petition and thereby ought to have quashed and set aside all the three impugned orders passed by the respondent authorities. Learned counsel, therefore, urged that this appeal be allowed and impugned order be set aside.

6. On the other hand, learned Senior counsel appearing on behalf of the respondents has opposed the present appeal. He would mainly contend that there are concurrent findings of facts recorded by the respondent authorities and as

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there is no perversity learned Single Judge has rightly dismissed the petition. It is further submitted that while giving reply to the show cause notice issued by the authorities, the petitioner had not demanded any document. It is further submitted that, on the contrary, the petitioner admitted two irregularities while giving his reply. Thus, no error has been committed by the respondent authorities while passing the impugned orders and, therefore, also the learned Single Judge has not committed any error while dismissing the petition. He, therefore, urged that this appeal be dismissed.

7. We have considered the submissions canvassed by learned advocates and perused the materials placed on record. It is required to be observed at the outset that the petitioner has not produced the copy of the show cause dated 27.12.2011 and the reply given by the petitioner to the said show cause. However, during the course of hearing of the present appeal, learned counsel for the appellant has supplied the copies of the aforesaid two documents. We have gone through the show cause notice issued by the concerned respondent authorities and the reply given by the petitioner of the said notice. From the aforesaid documents, it transpires that the petitioner has admitted in his reply with regard to the first two irregularities alleged by the respondent

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authorities. However, so far as the third irregularity alleged by the respondent authority is concerned, the petitioner has merely denied the said allegation, however, if the reply given by the petitioner is carefully examined, it is revealed that he has not, in fact, demanded any document from the respondent authority nor he has requested for supply of the enquiry report.

8. We have gone through the relevant provisions contained in Public Distribution System (Control) Order, 2001 and more particularly Clause- 7 (1) (a) thereof. We are of the view that the concerned respondent authority has rightly exercised the powers vested in him under the said clause and thereby cancelled the licence issued in favour of the petitioner. Certain irregularities were found, as stated in the show cause notice. We are of the view that, looking to the facts and circumstances of the present case, it cannot be said that the respondents have violated the principles of natural justice, as contended by learned counsel for the appellant.

9. We have also gone through the impugned orders passed by the respondent authorities. We are of the view that when there are concurrent findings of facts recorded by the respondent authorities and as there is no perversity or arbitrariness in the said orders, the learned Single Judge has not

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committed any error while rejecting the petition filed by the appellant. Accordingly, no interference is required in the present appeal.

10. The letters patent appeal is, therefore, dismissed.

11. I.A(s), if any, shall also stand disposed of.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

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