

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.278 of 2019
In
Civil Writ Jurisdiction Case No.1505 of 2019.

=====

Rajkumar Paswan, Son of Aamo Das, Resident of Village- Salonachak, P.S.
and District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Commissioner, Munger Division, Munger.
3. The Collector, Lakhisarai, District- Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai, District- Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajeev Kumar Labh, Adv.
For the Respondent/s : Mr. Alok Ranjan, A.C. to AAG 5.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 30-01-2021

Heard the parties.

Aggrieved by judgment and order dated 30.01.2019
passed by learned Single Judge of this Hon'ble Court passed in
C.W.J.C. No. 1131 of 2018 dismissing the writ petition
appellant/petitioner has preferred this L.P.A.

License of petitioner's fair price shop bearing no.
2/92 was cancelled by Sub-Divisional Officer, Lakhisarai by
order dated 06.11.2015 (Annexure-1) and appeal preferred was
dismissed by appellate authority by order dated 15.10.2016



(Annexure-4) and revision petition filed before the Revisional Authority was dismissed by Commissioner, Munger Division, Munger by order dated 30.11.2018 (Annexure-5).

Order dated 06.11.2015 passed by the Sub-Divisional Officer cancelling the fair price shop licence of petitioner was assailed on the ground that adequate opportunity of hearing was not given and copy of inspection report dated 25.09.2015 of Block Supply Officer, Lakhisarai was not provided.

Learned Single Judge has held that adequate opportunity was given to petitioner by twice issuing show cause notice dated 14.10.2015 and 26.10.2015 and he has also submitted his reply dated 29.10.2015 to the show cause but could not give satisfactory explanation and also failed to produce last six months register and cash memo.

Appellant/petitioner failed to produce registers and even the registers which were produce did not contain details of beneficiaries to whom supplies were made. Petitioner neither maintained register nor issued cash memos and same was in violation of terms and conditions of the license as well as directions issued by the Apex Court.

Learned Single Judge has further held that petitioner did not raise the issue of non-supply of inspection report either



before the licensing authority or the appellate authority or the revisional authority and has further found that he was fully aware with respect to irregularities found during inspection and violation of terms and conditions of licence committed by him and he failed to produce relevant documents before the licensing authority in order to deny such allegations.

Several irregularities were noted by the licensing authority in the stock registers of PHH Scheme and Antyoday Scheme and distribution was not made to beneficiaries. The licensing authority found various acts of omission and commission committed by petitioner which were apparent from the scrutiny of stock registers maintained by the petitioner for which no satisfactory explanation was provided by the petitioner.

It has been further brought to the notice of this Court by the counsel for the State that previous control orders have been replaced by Bihar Targeted PDS (Control) Order 2016. The Public Distribution Shop System caters need of BPL families and other weaker sections of society, who need subsidized food articles and denial of rations/kerosene to beneficiaries would defeat the very object of food security scheme.

The counsel for the appellant/petitioner has relied



upon judgment and order as contained in Annexure-6 series but said judgments are not applicable in facts and circumstances of the present case.

This Court does not find any prejudice to have been caused to appellant/petitioner in any manner as he was fully aware about the nature of allegations and irregularities found against him. Licensing authority has not recorded his finding on the basis of inspection report but has arrived at his own finding after conducting inquiry in which sufficient opportunity was given to petitioner to controvert those allegations which he fail to do.

This Court does not find any infirmity or error in the order passed by the learned Single Judge, accordingly, present L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2021
Transmission Date	NA

