

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Revision No. 212/2018**  
**Urmila Devi**  
**Vrs.**  
**The District Magistrate, Saran**  
**ORDER**

The instant revision petition is directed against the impugned order passed by D.M. Saran in Supply Appeal case No. 60/2017 on 30.07.2018.

The brief facts of the case are that the petitioner Urmila Devi W/o Shiv Mangal Ray. R/o Gram Panchayat Saidpur, block-Dariyapur, Dist-Saran was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected by Sri Upendra Kumar Pal, DCLR, Sonpur on 11.05.2017. In course of inspection following irregularities were found like: the PDS shop was found closed during the stipulated period, the son of the petitioner informed that the dealer had gone outside and he failed to produce any registers for inspection even on demand, Sarbar Ali, Meena Devi, W/o Keshri Mahto, Abhisekh Mahto, Aasma Khatoon told that the dealer had not given any food grains for the month of March 2017 and April 2017 and without giving grains entry was made in their ration cards and even less quantity of good grains are given. Thereafter, the matter was reported to the SDO, Sonpur who in turn vide memo No. 248 dated 29.05.2017 asked show cause from the petitioner for the aforementioned irregularities found during inspection of his PDS shop. In compliance to the said show cause notice, the petitioner filed her show cause reply denying all the charges but the learned SDO, call for the opinion of ADSO, Sonpur and finally he hold the petitioner as guilty for violating the terms and conditions of PDS licence, cancelled the licence vide order contained in memo No. 728/Supply dt. 01.08.2017. Feeling aggrieved by the said order, the petitioner filed an appeal vide Supply Appeal No. 60/2017 before D.M. Saran. The D.M. Saran after hearing the case dismissed the said appeal vide order dt. 30.07.2018.

On being aggrieved by and dissatisfied with the aforesaid order of dismissal of appeal case, the petitioner has preferred the instant revision case before this Court.

Heard the learned counsel for the parties.


The learned counsel appearing on behalf of the petitioner at the very beginning of his argument submitted that the impugned order of cancellation of PDS licence by learned SDO, Sonpur as well as the appellate order of D.M. Saran is illegal, bad and against the provisions of law. He further said that the learned SDO cancelled the licence without hearing on the show cause reply filed by the petitioner with a nonspeaking order as nothing has been mentioned by him as to whether the show cause reply was acceptable or not. The learned counsel also argued that all the allegations levelled against the petitioner was mainly due to political enmity and the fact is that the petitioner has not violated any terms and conditions of licence. He also said that the shop of the petitioner was closed on the day of inspection as the petitioner had gone for her own treatment and even the prescription filed in support of such claim was not considered by the appellate Court and the shop was not kept closed deliberately. The learned counsel further placed reliance on a reported judgment of Hon'ble High Court in support of his plea the closure of shop for a day is not a ground for cancellation of licence. The learned counsel lastly said that the impugned order of D.M. Saran is fit to be quashed and this revision petition is allowed.

The learned Spl. P.P. on the other hand, strongly supported the impugned order of D.M. Saran by saying that the said order is just, proper and valid and having no scope of interference by this Court.

Considering the facts and circumstances of the case, material available on records, pleadings forwarded by the learned counsel for the parties and on perusal of the impugned order, it is seen that the petitioner's PDS licence has been cancelled by the licencing authority the SDO, Marhaurah for some irregularities reported by the district level inspecting team and for that the petitioner has been held for violating the terms and conditions of the PDS licence. It is also seen that the learned D.M. acting as the appellate authority, upheld the order of SDO and felt no need of any interference in the said order. The learned counsel for the petitioner is of the view that the show cause reply filed by the petitioner and the copies of various documents produced with respect to contradicting the allegation have not been considered at all by the licencing authority and the appellate Court without applying its own mind simply upheld the impugned cancellation order which is legally unjustified. I do not find much substance in the said contention of the learned counsel in view of the fact that if the petitioner had to meet his engagement, he should have informed the concerned authority in advance so as to avoid any charges of intentionally closing the shop. The petitioner has failed to do so. The learned counsel further assailed the impugned order of D.M. by saying that the same is mechanical order where no judicial mind has been applied. I do not find any substance in the said plea of the petitioner. In fact, the learned D.M. after making careful assessment of all the relevant facts of the case finally arrived at the conclusion that the impugned cancellation order of the SDO is justified. On the other hand, the learned counsel for the petitioner has failed to point out any specific illegality or aberration in the impugned order of D.M. Saran so as to enable this Court to make any interference in the said order.

For the abovementioned reason, the impugned order is upheld and this revision petition being devoid of any merit is dismissed accordingly.

Dictated and Corrected by me.

  
Commissioner  
Saran Division, Chapra.

  
Commissioner  
Saran Division, Chapra.