

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Rev. No. 41/2017**  
**Shyam Bahadur Singh**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

The instant revision petition is directed against the impugned order passed by D.M. Siwan in Supply Appeal case No. 81/2016-17 on 21.02.2017.

The brief facts of the case are that the petitioner Shyam Bahadur Singh S/o Late Bishundeo Singh, R/o Vill-Sagar Rai ka Tola, Gram Panchayat-Sarna, Block-Darauli, Dist-Siwan was a PDS dealer. Further case is that the petitioner's PDS shop was inspected on 18.08.2016 by a sub-division level inspecting team consisting of BSO, Guthani and Raghunathpur. During the inspection, following irregularities were found like; the dealer was found absent unauthorizedly, stock and distribution registers could not be verified due to absence of dealer, physical verification of the stock found zero for food grains and k.oil, some consumers present at the time of inspection belonging to Antodaya and P.H.H. card holders gave their written statement that the dealer did not distribute food grains and k.oil regularly and after giving one month ration, two months entry made in the ration card and some consumers also alleged that only 30 kg of grains and 2 litre of k.oil was given to Antodaya card holders. Thereafter, the matter was reported to the SDO, Siwan who in turn vide memo No. 334 dt. 20.08.2016 served a show cause notice to the petitioner for the reported irregularities found during inspection. In compliance to the said show cause notice, the petitioner filed his show cause reply alongwith documentary evidence in support thereof. But the learned SDO on finding the said reply to be untrue and concocted rejected the said show cause reply of the petitioner and finally cancelled the PDS licence and the said order was communicated to the petitioner vide memo No. 361 dt. 20.08.16. Feeling aggrieved by the said order, the petitioner, filed on appeal case before D.M. Siwan which was subsequently dismissed vide order dt. 21.02.2017. This led to filing of this instant revision petition before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner while assailing the impugned order submitted that the same has been passed in mechanical manner without considering the facts and circumstances of the case properly. He further submitted that without any cause of action, a false and frivolous petition filed against the petitioner by some person of particular cast, in connivance and behest of some local politician due to dirty political revelry in the locality and after conducting a vague inquiry in absence of the petitioner and even not considering the show cause reply filed by the petitioner by the SDO, the licence has been cancelled which is illegal. He further argued that the learned D.M. acting as appellate authority also dismissed the appeal petition of the petitioner without applying his judicial mind. The learned counsel also argued that the learned D.M. ought to have looked into the merit of the show cause reply filed by the petitioner, but without applying his legal mind upheld the wrong order of SDO. He lastly submitted that the impugned order is meritless and it suffers from material defects and fit to be set aside.

The learned Spl. P.P. appearing on behalf of the state, on the other hand strongly opposed the arguments forwarded by the learned counsel for the petitioner and

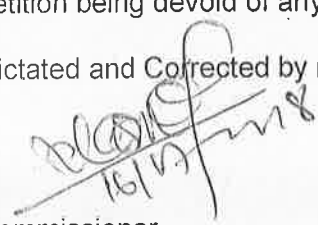


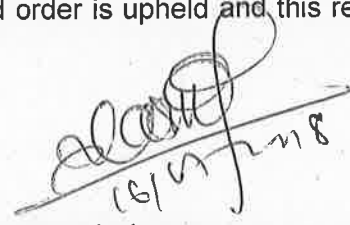
submitted that as serious irregularities were found during the inspection of the PDS shop of the petitioner, the licence has been cancelled. He further said that the learned D.M. has also in his detailed order assigned reasons for confirming the cancellation order of SDO as such the impugned order is fit to be upheld and this revision petition being devoid of any merit is fit to be dismissed.

Considering the facts and circumstances of the case, material available on records, pleadings made by the learned counsel for the parties and on perusal of the impugned order, it is quite obvious that the petitioner's PDS licence has been cancelled by the licencing authority for the serious irregularities found during inspection by the inspecting team and subsequently failure of the petitioner to prove the said irregularities as false through his show cause reply. The sole contention of the petitioner is that he has been made victim of the local politics. This stand of the petitioner is hardly believable in view of the allegations made by the consumers before the inspecting team. 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. Siwan 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.