

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Rev. No. 12/2016**  
**Sataydeo Manjhi**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

The instant revision petition is directed against the impugned order passed by District Magistrate, Siwan on 11.12.2015 in Supply case No. 151/2013-14.

The brief facts of the case are that the petitioner Sataydeo Manjhi was a PDS dealer of Gram Panchayat Falpura, Block-Hasanpura, Dist-Siwan. Further case is that the PDS shop of the petitioner was inspected by BSO, Hasanpura on 28.11.2013 and in course of inspection following irregularities were found like; although food grains meant for Aantodaya scheme for the month of Feb-2012 and March-2012 were lifted by the dealer, but the grains meant for BPL scheme for the same period was not lifted despite being issuance of allotment order; certain consumers like Pramila Devi, Shamsul Haque, Banarasi Bhagat, Bhagwaji Manjhi, Nirmala Devi, Rajmati Devi, Bhikha Devi and Sushila Devi alleged that no food grains were given to them by the dealer for the month of January 2013 and April 2013, all Antodaya consumers of village Kohrauta alleged that they have not been given food grains for the month of September-2012, Octo-2012, Dec-2013 and from Jan-2013 to Sep-2013. Thereafter, the matter was reported to the SDO, Siwan who in turn asked show cause from the petitioner for the above reported irregularities vide memo No. 759/Supply dt. 09.12.13. The petitioner filed his show cause reply on 17.12.2013 refuting all the alleged charges and also strongly contended that the consumers who allegedly stated of irregular distribution and no supply of food grains, were not the consumers attached with his PDS shop. However, the on findings the said show cause reply to be unsatisfactory and lacking evidence, rejected the said show cause reply and finally cancelled the PDS licence vide memo No. 206/Supply dt. 18.02.2014. This led to filing of an appeal vide Supply Appeal No. 151/2013-14 before D.M. Siwan and the said appeal was dismissed vide order dt. 11.12.2012. Feeling aggrieved by the said order, passed in appeal by the learned D.M. Siwan, 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 outset of his argument submitted that the impugned order passed by learned D.M. Siwan is illegal, ultravires and completely without jurisdiction. He further submitted that all the consumers who had alleged before the inquiry officer, about irregular distribution of food grains were in fact not the consumers attached with the petitioner's shop. But this important fact was neither considered by the licencing authority, the SDO, nor the learned D.M. Siwan. The learned counsel further submitted that it was necessary for the learned D.M. to adjudicate the crux and test the genuineness of the order of SDO. He also submitted that the learned SDO has not perused the list of consumers and the fact is that none of the consumers have made any complain against the petitioner and even the show cause reply filed by the petitioner was not considered properly. He also submitted that the petitioner being a Dalit dealer he has been punished by the authority and such action is highly motivated. The learned counsel further strongly submitted that although, the persons whose names have been mentioned in the enquiry report stated to have labelled allegations of irregular distribution were subsequently stated through affidavits that they had not made any complaint against the petitioner, but these affidavits and contents therein

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were not considered at all by the learned D.M. Siwan. The learned counsel lastly submitted that the petitioner being a poor man having no other means of livelihood, his cancelled licence needs to be restored to save him and his family from starvation:

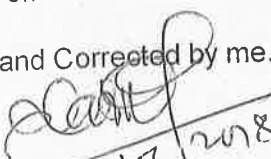
The learned Spl. P.P. while opposing the arguments of the learned counsel for the petitioner submitted that the said action against the petitioner has been taken after enquiry and the order passed by the learned D.M. in appeal is just and proper having no infirmity.

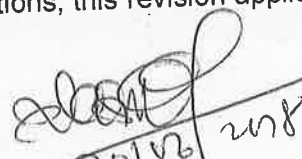
Considering the facts and circumstances of the case, material available on records pleadings advanced by the learned counsel for the parties and on perusal of the impugned order, it is seen that the petitioner's licence has been cancelled mainly on the allegation of irregularities and non-distribution of food grains for certain period made by some consumers during the inspection of the PDS shop. It is also seen that although, the petitioner denied the said allegations in his show cause reply but the same were rejected on the ground of being unsatisfactory and without evidence. The petitioner's stand from the very beginning is that the persons whose name has been mentioned in the inquiry report were not his consumers as such their statement of irregular and non-distribution of food grains have no significance and for that ground his licence should not have been cancelled. I find same element of truth in such contention in view of the fact the some consumers have filed affidavits before the learned D.M. stating therein that they have not made any statement before the inspecting officer rather their false thumb impressions have been used by some persons. I find that atleast, this important fact should have been examined properly by the appellate authority before arriving at the final findings of fact.

For the aforementioned reasons, the impugned order is not sustainable and hence the same is set aside. The case is remitted back to D.M. Siwan for fresh consideration and to pass a fresh order in accordance with law.

With the abovementioned observations and directions, this revision application is disposed of.

Dictated and Corrected by me.

  
Commissioner 30/06/2018  
Saran Division, Chapra.

  
30/06/2018  
Commissioner  
Saran Division, Chapra.