

**In The Court of Commissioner, Saran Division, Chapra**

**Supply Revision No. 30/2014**

**Rajdeo Manjhi**

**Vrs.**

**The State of Bihar**

**ORDER**

24.09.2015- The instant revision petition is directed against the impugned order passed by District Magistrate, Saran in Supply Appeal Case No. 50/2011 on 21.11.2013.

The brief facts of the case are that the petitioner Rajdeo Manjhi S/o Chandni Manjhi R/o Village- Nipaniay, P.S.- Isuyapur, Dist- Saran was a PDS licensee having licence No. 68/07. Further case is that the PDS shop of the petitioner was inspected by a sub-divisional level inquiry team on 30.01.2011 and in course of inquiry certain irregularities were found like: shop was closed and the dealer was absent, notice board and price list were not displayed, stock and distribution registers could not be checked due to absence of the dealer and refusal to show the same by other family members, stock were not shown, and petitioner used to collect the coupons on the consumers ten days before supplying the articles, and food grains and k-oil were not distributed on prescribed rate. For the above reported irregularities the petitioner was directed by SDO marhaurah to file his show cause reply within 24 hours vide Memo No. 725 dated 01.02.2011. The petitioner filed his show cause reply on 04.02.2011 stating therein that all the allegations levelled against him were wrong. But the licensing authority, the SDO, on finding that the petitioner had violated the terms and conditions of PDS (control) order 2001 and also of Bihar Ration Kerosene Scheme- 2006 his said PDS licence was cancelled vide Memo No. 1179 dated 05.03.2011. On being aggrieved by and dissatisfied with the said cancellation order of SDO, Marhaurah, the petitioner filed an appeal vide Supply Appeal Case No. 05/2011 before D.M., Saran but the said appeal was dismissed on 21.11.2013. This led to filing of the instant revision case before this court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner submitted that the impugned order of the learned court below is illegal, bad and erroneous and against the principle of natural justice as no opportunity of hearing was afforded to the petitioner before passing the cancellation order and the appellate court did not appreciate this fact also. He further said that the petitioner although, explained in detail in his show cause reply that on the day of inspection, he went to Marhaurah for treatment as he suddenly felt acute pain in stomach but the learned SDO without giving any opportunity of hearing and considering the reason furnished by the petitioner regarding his absence rejected the show cause on many other grounds for which the petitioner had not been asked to reply. He further argued that none of the consumers stated anything about the reported irregularities to the inspecting team and not even their names were disclosed in the said



inquiry report. He also said that the D.M., Saran without applying his judicial mind dismissed the appeal. The learned counsel lastly prayed that the impugned order be set aside and this revision case be allowed.

The learned Spl. P.P. appearing on behalf of the D.M., Saran, opposing the arguments forwarded by the learned counsel for the petitioner, submitted that the cancellation order passed by SDO, Marhaurah is legal and valid. As such the same be upheld.

Considering the facts and circumstances of the case, material on records arguments advanced by the learned counsel for the petitioner and on going through the impugned order passed by SDO as well as the appellate order of D.M., Saran, it is seen that the reasons assigned by the learned SDO, the licensing authority for cancellation of the PDS license of the petitioner seems to be legally correct as the same has been passed after the due consideration of the show cause reply filed by the petitioner. The learned D.M., Saran did not commit any error by refusing to interfere with the order passed by SDO, the licencing authority in view of the irregularities reported to have been found during inspection. The learned counsel for the petitioner failed to point out any specific aberration or illegality in the order of D.M., Saran so as to warrant any interference in the said order exercising the revisional jurisdiction by this Court.

Thus, for the aforementioned reasons, the impugned order of D.M. Saran dated 21.11.13 is upheld and this revision petition being devoid of any merit is dismissed accordingly.

Dictated and Corrected by me.

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*24-9-15*  
Commissioner,  
Saran Division, chapra

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Commissioner,  
Saran Division, Chapra