

In The Court of Commissioner, Saran Division, Chapra

Supply Rev. No. 229/2011

Baleshwar Ram

Vrs.

The State of Bihar

ORDER

23-02-2016 - The instant revision petition is directed against the impugned order passed by D.M., Gopalganj in Misc. (PDS) Case No. 40/2009 on 15.07.2011.

The brief facts of the case are that the PDS Licence of Baleshwar Ram S/o Late Anjor Ram R/o Village- Fatuchapar, P.S.- Kateya, Dist- Gopalganj whose PDS licence was firstly suspended on the basis of a Complaint filed by one Ashok Ram before SDO, Hathua alleging therein that the said Baleshwar Ram was fraudulently running the said PDS shop which was originally allotted to his father Baleshwar Ram S/o Bhagelu Ram. After suspension of the licence the entire matter was sent for consideration before the District level selection committee headed by the D.M., Gopalganj. The said committee in its resolution finally decided to cancel the said licence and, thereafter, the SDO, Hathua, cancelled the licence vide order contained in Memo No. 127/supply dated 20.02.2008. Feeling aggrieved by the said order, the petitioner filed a case bearing supply Revision No. 90/2008 before this court which was subsequently remanded back in the court of D.M., Gopalganj vide order dated 19.05.2009 by setting aside the earlier order of D.M. with a direction to pass fresh order by properly examining the various documents available on record. Thereafter, a Misc. (PDS) Case No. 40/2009 was initiated and after hearing the petitioner the said case was dismissed. This led to filing of the instant revision petition before this court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner in his brief argument submitted that this case was earlier remanded back to the D.M., Gopalganj with some specific direction by setting aside his earlier order but the learned D.M. instead of examining the matter afresh finally upheld the earlier order and also expressed his inability to make any interference in the said order. He further argued that the petitioner has been charged for running the said PDS shop by changing his name as Baleshwar Ram from Bundela Ram whereas the original licensee was another Baleshwar Ram S/o Bhagelu Ram. He further submitted that documentary evidence like College Transfer Certificate and certificate issued by Local Mukhia that Baleshwar Ram Bundela Ram s/o Anjor Ram is the same person, this fact was not considered at all. He lastly submitted that as the impugned order is illegal and arbitrary, the same is fit to be set aside.

The learned Spl. P.P., on the other hand, submitted that the impugned order is legal and valid having no infirmity as such the same be upheld.



Considering the facts and circumstances of the case, material available on record, and on perusal of the impugned order, it is seen that the petitioner's licence has been cancelled on the ground that he was running the said PDS shop by projecting himself to be Baleshwar Ram after the death of Baleshwar Ram S/o Bhagelu Ram, the original licensee. It is seen that the learned D.M., Gopalganj on finding that the petitioner has failed to produce any evidence so as to warrant any scope for interference in the said order of cancellation of licence, he rejected the appeal. Obviously, I do not find any apparent error in the said finding of D.M., Gopalganj and the petitioner also failed to brought any evidence beyond reasonable doubt before this court to substantiate his claim so as to warrant any interference from this court.

For the aforementioned reasons, the impugned order is upheld and this revision petition being devoid of any merit is dismissed accordingly,

Dictated and Corrected by me.

23.2.16
Commissioner,
Saran Division, Chapra

23.2.16
Commissioner,
Saran Division, Chapra