

IN THE COURT OF COMMISSIONER, SARAN DIVISION, CHAPRA

Supply Revision No. 253/2012

**Kamleshwar Mishra
Vrs.
The State of Bihar & Ors.**

ORDER

10/03.2015 The instant revision petition is directed against the impugned order passed by District Magistrate, Siwan on 31.08.2012 in Supply Appeal No. 071/2011-12.

The brief facts of the case are that the petitioner Kamleshwar Mishra S/o Late Dharmanath Mishra R/o Vill- Kachnar, P.S. – Shishwan, Dist- Siwan was a PDS Licencee having Licence No. 1291/2007. The further case is that the shop of the petitioner was inspected by DSO, Siwan on 16.11.2011 and on finding that the shop was closed besides other irregularities like non-production of various registers, irregularities in the distribution of food grains and K. oil and keeping of consumers coupons fraudulently, the matter was reported to the SDO, Sadar, Siwan. Thereafter, the SDO, Siwan vide Memo No. 285 dated 17.12.2011 asked the petitioner to file show cause reply by 22.12.2011 and in compliance to that the petitioner filed his show cause reply refuting all the charges levelled against him. However, the SDO, on finding the said show cause reply to be unsatisfactory as it was not supported by any documentary evidence, the licence of the petitioner was cancelled vide Memo No. 307 dated 30.12.2011. Feeling aggrieved by the said cancellation order of the SDO, the petitioner preferred an appeal bearing No. 071/2011-12 before D.M., Siwan which was dismissed vide order dated 31.08.2012.

On being aggrieved by and dissatisfied by the appellate order of D.M., Siwan, the petitioner has preferred the instant revision before this court.

Heard the parties.

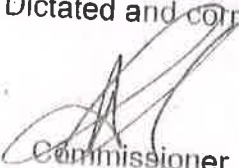
The learned senior counsel appearing on behalf of the petitioner submitted in the very beginning of his argument that the only charge against the petitioner was that his PDS shop was closed on the day of inspection and no other reported irregularities were found as the shop was closed. He also argued that mere closure of PDS shop for a day is not such a grave offence to attract the




of licence, it is certain that at least some action against the shop is certainly required.


In view of aforesaid arguments and papers on record, the order of the cancellation of license is hereby set aside and the long period for which the license remained cancelled is itself found to be enough punishment for the one day closure of the shop. This revision is accordingly allowed.

Dictated and corrected by me.


Commissioner,
Saran Division, Chapra

 10.3.15
Commissioner,
Saran Division, Chapra

Memo No..... Date.....
Order Passed on 10/3/15
D.O. Saran
For signature and for
Commencement of concerned


Sec To Com. Saran Div Chapra
10/3/15