

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Rev. No. 123/2017**  
**Manan Rajak**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

The instant revision application is directed against the impugned order passed by D.M. Siwan in Supply Appeal case No. 152/2016-17 on 12.07.2017.

The brief facts of the case are that the petitioner Manan Rajak R/o Vill-Belwar, Gram Panchayat Karsar, Block-Raghunathpur, Dist-Siwan was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected by BSO, Raghunathpur pursuant to a complaint filed by the consumers of the said village. In course of inspection following irregularities were found like: improper behaviour towards consumers, some consumers of Antodaya scheme alleged that 32 kg grains were given after taking 100 rupees, certain consumers gave written statement that grains of PHH scheme was given one kg less and one rupees extra was taken some consumers alleged that k.oil was given only 2 litre @ 22 rupees per litre and the food grains are not distribute regularly. Thereafter, the BSO sent his report to the SDO, vide letter No. 165 dt. 09.11.2016. Again the PDS shop of the petitioner was inspected on 17.11.2016 pursuant to a complaint filed by Manjesh Kumar Singh and some other 77 persons to the SDO. The said sub-divisional level inspecting team after inspection found the some allegations as earlier reported by BSO. This led to asking of show cause from the petitioner vide memo No. 682 dt. 17.11.2016. In compliance to the said show cause notice, the petitioner filed his reply upon which the licencing authority decided to seek spot inquiry report from BSO, Raghunthpur. The BSO after making inspection submitted his report vide letter No. 194 dt. 21.12.2016 in which he reported that the dealer used to distribute food grains and k.oil in less quantity than the prescribe quantity and also realised higher prices. Acting on the said report, the licencing authority came to the conclusion that the dealer failed to make any improvement as such he held the pleas to be concocted, baseless and unsatisfactory and he accordingly cancelled the said licence vide order contained in memo No. 227/Supply dt. 24.02.2016. Feeling aggrieved by the said order, the petitioner preferred an appeal vide supply Appeal No. 152/2016-17 before D.M. Siwan which was ultimately dismissed vide order dt. 12.07.2017 and this led to coming of this revision case before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner submitted that the petitioner had filed his show cause reply stating therein that one Manjesh Kumar Singh was the candidate of BDC post in the panchayat election and he wanted the political support of the petitioner but when he refused to oblige him he filed frivolous complaint before the authorities. The learned counsel further stated that the petitioner's wife was also a candidate for Mukhiya in the said election Gram Panchayat Raj Karsar and as he failed to cooperate with the complainant in canvassing for him, he filed false complaint against the petitioner. The learned counsel further said that none of the charges levelled against the petitioner with regard to irregular distribution of food grains and k.oil to the consumers are correct. He further argued that the petitioner had filed his detailed show cause reply regarding his fair distribution but the same was not considered by the licencing authority and even the D.M. also failed to consider the relevant points appropriately to arrive at the final findings of fact. He further submitted that the

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learned D.M. ought to have held that the petitioner's conduct was fair and the said complaint against the petitioner was politically motivated and for that his PDS licence should not have been cancelled. He further submitted that since the impugned order is arbitrary and a non-speaking order, the same is fit to be set aside.

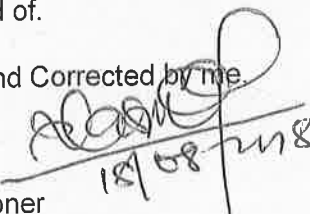
The learned Spl. P.P. appearing on behalf of the state, on the other hand, vehemently opposed the arguments forwarded by the learned counsel for the petitioner and further submitted that the impugned order is legal, valid and having no scope of interference as such this revision petition is fit to be dismissed.

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 certain irregularities found during inspection and for that the petitioner's licence has been cancelled. However, the petitioner's claim is that right from lodging of complaint against him to the alleged inquiry of his PDS shop has been done to political pressure mentioned on the authority for his non-co-operation to a particular candidate in the last panchayat election of his gram panchayat. This plea of the petitioner seems to be true for the reason that, the petitioner's wife was also a candidate for Mukhia in the said panchayat election. Certainly this plea of the petitioner can not be ruled out in view of the fact that during election at local levels, this type of enmity develops either due to co-operation or non-co-operation to a particular candidate. The petitioner being a dealer of the said gram panchayat every candidates in the tray seek active support from him. But as the petitioner's wife was also a candidate for the post of Mukhia it was difficult for him to extend support to other candidates. In fact, in the instant case, it appears that the petitioner has been made a victim of the dirty politics of the area and for the politically motivated complaint, his licence should not have been cancelled. The learned SDO, Siwan as well as learned D.M. Siwan ought to have considered this important point judiciously. It appears that both the authorities have failed to consider the crucial points of the case appropriately by appreciating the relevant facts placed before them by the petitioner.

For the aforementioned reasons, the impugned order of D.M. Siwan is not sustainable and hence the same is set aside and the case is remitted back to D.M. Siwan for reconsideration and to pass a fresh and speaking order in accordance with law after hearing the parties.

With the aforementioned observations and directions, the instant revision petition is disposed of.

Dictated and Corrected by me.

  
18/08/2018  
Commissioner  
Saran Division, Chapra.

  
18/08/2018  
Commissioner  
Saran Division, Chapra.