

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10436 of 2000

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Nawal Kishore Singh son of late Ramautar Singh, resident of village –Kutubpur Kothi, PS-Hajipur Sadar, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna.
3. The Sub-Divisional Officer, Hajipur.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-03-2015

No one appears either on behalf of the petitioner or from the side of the State.

This application has been filed for issuance of writ or direction for setting aside the order contained in Memo No. 211 dated 28th April 2000 by which the licence issued in favour of the petitioner has been put under suspension under the Unification Control Order.

It appears from the record that an inspection was made of the PDS shop of the petitioner on 6th April 2000 at 12.15 P.M. by one Brijraj Rai, Executive Magistrate, Hajipur along with the team, out of 10 quintals, 7 quintals of sugar was found, inference was arrived that the petitioner was involved in black

marketing of 3 quintals of sugar.

Show cause was issued vide Memo no. 211 dated 28th April 2000 which was replied by the petitioner, in which he denied his involvement in black marketing of sugar. In the meantime, an F.I.R., vide Hajipur Sadar P.S. Case No. 97 of 2000, was lodged against him. In pursuance thereof, the aforesaid Memo was issued whereby his licence was suspended with immediate effect in terms of Section 11 of the Unification of the Control Order.

The suspension on account of pendency of criminal case cannot be extended beyond 90 days as apparent from the judgment reported in 1987 PLJR 1150 (Punsraj Begawani vs. State of Bihar) and there is nothing on the record to show result of the criminal proceeding or any proceeding was initiated under the Unification of Control Order by the Licensing Officer. In view of such elapse of time, this petition has rendered infructuous.

Accordingly, this petition is dismissed as infructuous.

(Shivaji Pandey, J)

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