

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21516 of 2014

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Dilip Kumar Choudhary	Versus	 Petitioner
The State of Bihar & Ors		 Respondents

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Appearance :
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Ashok Kumar Jha
For the Respondent/s : Mr. AC to AAG 14

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 30-11-2015 The petitioner held license for PDS shop within Parsauni Block in Sitamarhi district. He has challenged the order dated 2.9.2014 passed by the Sub-Divisional Officer, Belsand, Sitamarhi cancelling his PDS licence on the ground of pendency of a criminal case being Parsauni P.S. Case No.108 of 2014 under section 7 of the Essential Commodities Act.

The petitioner submits that under 2001 Order, the PDS licence cannot be cancelled on mere institution of a criminal case sans conviction.

I find substance in the submission of the petitioner. This writ application is allowed and the impugned order dated 2.9.2014 passed by the Sub-Divisional Officer, Belsand, Sitamarhi cancelling the PDS licence of the petitioner is set aside with liberty to the respondents to proceed afresh in accordance with law.

(Samarendra Pratap Singh, J)

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