

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12160 of 2013

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1. Biranchi Yadav Son Of Late Ramotar Yadav Resident Of Village -
 Mahuli, P.O. And P.S. - Hasanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Food And Consumer
 Protection Department, Old Secretariat, Patna
 2. The Sub Divisional Officer, Rosara, District - Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shreekant Labh, Advocate

For the Respondent/s : Mr. JC to GP13

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

2 20-08-2015 The petitioner holds PDS license bearing License No.6/89 within Samastipur district. The petitioner submits that his license has been kept under suspension since 27.9.2008 on the ground of pendency of a case under the Essential Commodities Act.

Learned counsel for the petitioner submits that he is not named in the F.I.R. though subsequently he has been implicated in the said case. He submits that the petitioner's licence could not have been suspended on the ground that a criminal case has been filed, especially in view of the fact that by a notification issued on 23.6.2011, there has been an amendment of sub-section (3) of Section 7 of the Bihar Control Orders, 2001.

In such circumstances, though the amendment in Bihar

Control Orders, 2001 is not retrospective in nature, I find that continuance of suspension of the licence of the petitioner for seven years would be unreasonable. The impugned order suspending the license of the petitioner is set aside.

In the result, this writ application is allowed.

(Samarendra Pratap Singh, J)

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