

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18502 of 2013

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1. Mohan Prasad Yadav, son of Late Yamuna Prasad Yadav, resident of Village- Gogha Bazar, P.O. - Gogha, P.S.- Kahalgaun, District - Bhagalpur
 2. Smt. Usha Devi, Wife of Shivnarayan Choudhary, Resident of Village and P.O.- Pathakdih, P.S. Amdanda, District - Bhagalpur
 3. Anil Kumar Rai, Son of Sri Sitaram Rai, Resident of Village- Janidih, P.O. - Ghogha, P.S - Kahalgaun, District - Bhagalpur

.... Petitioners

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Sub-Divisional Officer, Kahalgaun, District - Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate

For the Respondent/s : Mr. Sanjay Kr No.1

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 18-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners' license was suspended in view of the pendency of the criminal case under Clause 7 (2) of the 2007 Control Orders.

The respondent was within his right to suspend the license in view of the said Clause.

As the license remained suspended for quite some time, the petitioners moved this Court in C.W.J.C. No. 21971 of 2011, C.W.J.C. No. 6694 of 2012, C.W.J.C. No. 6903 of 2012, C.W.J.C. No. 6982 of 2012, which were disposed of on various

dates including the order dated 23.01.2013¹³ with a direction to the licensing authority to dispose of the representation of the petitioners for withdrawing the order of suspension, as their license have remained suspended for more than three years.

The grievance of the petitioners' is that though they have filed their representations but the same have not been disposed of as yet.

It is relevant to state that the power to suspend the license pending criminal case has been withdrawn in the year 2011 vide Amendment dated 23.06.2011. However, the Amendment is prospective in nature. Nonetheless, it is expected that the criminal prosecution should be brought to its logical conclusion within a reasonable time.

In this view of the matter, this writ application is disposed of with an observation that if the criminal case is not concluded within four months, the license of the petitioners would stand vacated automatically.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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