

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18900 of 2013

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Ram Lochan Poddar, Son of Late Gena Poddar, Resident of Village -
Saonkhar, P.S. - Bithan, District - Samastipur

.... Petitioner

Versus

1. The State of Bihar through the Collector of the District Samastipur
2. The Sub-Divisional Officer, Rosera
3. District Supply Officer, Samastipur
4. The Block Supply Officer, Bethan (Samastipur)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
: Mr. Shankar Kumar Thakur, Advocate
For the Respondent/s : Mr. Vivekanand Singh AC to GA-8

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 18-08-2015 The petitioner prays for setting aside the order dated
05.07.2012 passed by the Sub-Divisional Officer, Rosera whereby
his license has been cancelled.

2. Learned counsel submits that his license has been
cancelled on 05.07.2012 primarily on the ground that a case under
7 of the EC Act has been instituted for black-marketing. Earlier
under the 2007 Control Order, the license could be suspended
pending criminal case. However, the said provision has been
deleted on 23.06.2011. Nonetheless, as per Clause 14 of the
Control Order, the license can be cancelled if one is convicted in a
criminal case. The petitioner has rightly relied upon a decision in
case of Dharamdew Chaudhary Vs. The State of Bihar & Others,

reported in 2015(2) PLJR 246

3. A counter affidavit has been filed on behalf of the State.

4. Learned counsel for the State submits that the petitioner has been charge-sheeted in the criminal case and also remained in custody for three months. He submits that he has an alternative remedy of appeal.

5. I find that the order of licensing authority is without jurisdiction in so much so that license cannot be cancelled on the ground of pendency of criminal case.

6. In the result, the impugned order is set aside. However, it will be open for the licensing authority to proceed afresh in accordance with law.

7. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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