

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7243 of 2014

=====

Umesh Paswan, son of Sitaram Paswan, resident of Village- Bhavdepur,
P.S.- Riga, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Sitamarhi, Sadar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Respondent/s : Mr. Nirbhay K.Singh

=====

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

4 24-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner has assailed the order dated 02.03.2014, passed by the Sub-Divisional Officer, Sitamarhi (Sadar) by which his P.D.S. license has been cancelled, as he failed to deposit the license fee within time.

The petitioner submits that on account of paucity of money, at the relevant time, he could not deposit the license fee and he is willing to deposit the same.

Only issue in this case is whether non-deposit of license fee by the petitioner, can be a ground to cancel the P.D.S. license.

Clause 2.8 of the 2001 Control Order notified in the year 2007 states that a licensee would be required to deposit the

license fee within eight months of the validity of the license. The provision describes the time limit for deposit of license fee, but nonetheless it does not withdraw the discretion to grant relaxation in appropriate cases.

Counsel for the State justifies the impugned order.

The case of the petitioner is covered under the order dated 04.12.2014, passed in C.W.J.C. No. 10585 of 2014 (Amir Rai Vs. The State of Bihar & Another).

In the result, the impugned order cancelling the license is set aside with the condition that the petitioner would deposit the license fees for the past and present periods within three weeks from today.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--