

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3149 of 2013

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Bishnudeo @ Bishundeo Singh, S/O Ramjatan Singh, Resident of Village-
Dahibhatta, P.O.- Dahibhatta, P.S.- Uchkagaon, District- Gopalganj.
..... Petitioner.

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj
3. The Sub-Divisional Officer, Hathua, District- Gopalganj
4. The Block Development Officer, Uchkagaon, District- Gopalganj
5. The Block Supply Officer, Uchkagaon, District- Gopalganj.
..... Respondents

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
: Mr. D. N. Tewari, Advocate
Mr. Umesh Kumar Singh, Advocate
For the Respondent/s : Mr. Ratna Kumari, AC to SC-13

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

4 11-08-2015 The petitioner prays for setting aside the show-cause notice dated 06.03.2008 (Annexure-4) issued by the Sub-Divisional Officer, Hathua, Gopalganj. While issuing the show-cause notice, the Sub-Divisional Officer, Hathua, Gopalganj had suspended the license.

2. The ground for issuing show-cause notice was institution of a case against the petitioner apart from illegalities committed by him in distribution of food-grains. The petitioner submitted his show-cause but no final order has been passed on the same.

3. Learned counsel for the petitioner submits that as no order cancelling the license has been passed for last six to

seven years, the same would amount to acceptance of show-cause.

The power to suspend the license, pendency criminal case is deleted vide amendment dated 23.06.2011.

4. In my view, the amendment dated 23.06.2011 is prospective and the same would not affect the power of suspension exercised under Clause 7 (iii) of 2007 Control Order between 20.02.2007 to 23.06.2011, but I find that the license has not only been suspended on the basis of the F.I.R. but also on the basis of other allegations in the show-cause.

5. As no final order has been passed, I am of the view that continuance of suspension of license since 2008 is unfair and unreasonable. In the circumstances, the impugned order suspending the license of the petitioner is set aside. The authorities ought to have disposed of the matter finally one way or the other as show-cause was filed in the year 2008 itself.

6. This application stands allowed.

(Samarendra Pratap Singh, J.)

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