

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23303 of 2013

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Urmila Devi, wife of Umesh Chaudhary, resident of Village- Basak Saidi,
Panchayat- Mai Farida, P.S- Rahui, District- Nalanda.

.... Petitioner.

Versus

1. The State of Bihar through District Magistrate, Nalanda.
2. The District Magistrate, Nalanda.
3. The Sub- Divisional Officer, Nalanda.
4. The Block Supply Officer, Rahui, District- Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar

For the Respondent/s : Mr. Ajay Bihari Sinha

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

2 01-09-2015 Heard learned counsel for the petitioner and the
respondents.

The petitioner seeks revocation of suspension order dated 17.01.2011 passed by the licensing authority, as no order of suspension can be passed beyond 90 days on the ground of alleged contravention of 2007 Control Order.

A counter has been filed on behalf of respondents, wherein it has been stated that suspension has been ordered on the ground of pendency of criminal case, which was instituted on 16.01.2011 at 9.30 P.M. It is further case of the State that a license can be kept under suspension during the pendency of the criminal case.

It is true that a license can be suspended on the

ground of pendency of a criminal case under Clause 7 of 2007 Control Order. However, the impugned order does not demonstrate that the license has been cancelled either on the ground of pendency of criminal case or institution of the criminal case.

The petitioner has equally submitted that as per Clause 7 again no license can be kept under suspension on the ground of contravention of P.D.S. Control Order 2007.

I find force in the submission of the petitioner. The license has been cancelled on the ground of contravention of P.D.S. Control Order 2007 for which a license can be kept under suspension for 90 days. The suspension order of P.D.S. license of the petitioner has continued for over four years, as such the suspension of the license is revoked.

This application stands allowed.

(Samarendra Pratap Singh, J.)

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