

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6801 of 2016

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Nathuni Poddar, son of Late Baldeo Poddar, resident of Village - Modarpur, P.S. - Maheshkhut, District - Khagaria.

.... Petitioner

Versus

1. The State of Bihar through Collector, Khagaria.
2. The S.D.O. Gogari, Khagaria.
3. The B.S.O. Gogari, Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate
For the State : Mr. A. C. Vishwar Ranjan Chaudhary,
Mr. K. K. Tiwari, A.C. to S.C. 27

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-09-2016

Heard parties.

Sole ground taken by the petitioner for assailing Annexure 3, which is an order dated 19.02.2016 passed by the Sub-Divisional Officer-cum-Licensing Authority, Gogari, by which he has cancelled PDS licence of the petitioner, is that the same has been passed on the basis of institution of first information report under Section 7 of the Essential Commodities Act.

This issue is no longer *res integra* having already been decided on several occasions by this Court. A reference in this regard is made to an unreported judgment dated 02.02.2016 rendered in **C.W.J.C. No.1898 of 2016 (Janardan Ram Versus the State of**

Bihar & Ors.) holding that Public Distribution System (Control) Order, 2001 does not contemplate cancellation of licence merely on the ground of institution of F.I.R. against the licensee.

Accordingly, this writ application succeeds. The impugned order as contained in Annexure 3 is quashed and set aside. The supplies of the petitioner have to be resumed immediately, if he produces a certified copy of the order by which he has been granted bail in the concerned case showing that there is no impediment in running the PDS shop.

However, if the Licensing Authority comes to the conclusion that the petitioner has committed any irregularity then it would be at liberty to initiate a proper proceeding in accordance with law but in such case, the petitioner has to be granted reasonable opportunity to defend his case.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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