

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8217 of 2016

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Harishankar Ram, Son of Late Parmeshwar Ram, resident of village - Pauram,
P.S. Hayaghat, District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Darbhanga, District Darbhanga
3. The Licensing Authority - Cum - Sub Divisional Magistrate, Sadar Darbhanga, District Darbhanga
4. The Block Development officer, Hayaghat, District - Darbhanga
5. The Block Supply Officer, Hayaghat, District Darbhanga

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Kaushalesh Choudhary, Mr. Shambhu Nath Jha, Advocates
For the State	:	Mr. Shekher Pd. Sinha, A.C. to G.A. 6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-09-2016

Heard parties.

Sole ground taken for assailing the impugned order as contained in Annexure 7 by which the Sub-Divisional Officer-cum-Licensing Authority, Sadar Darbhanga has cancelled the PDS licence, is that the order of cancellation has been passed on the basis of institution of first information report lodged against the petitioner 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 7 is quashed and set aside. The supplies to 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 by a competent court.

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 himself.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2016
Transmission Date	NA