

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4703 of 2014

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Bijendra Sao Son Of Late Raktu Sao Resident Of Village - Chandpur Bela,
Dupulwa Shiv Mandir, Azad Path, Patna, P.S. - Jakkanpur, District - Patna

.... Petitioner

Versus

1. The State Of Bihar
2. Secretary, Food and Civil Supply, Government Of Bihar, Patna
3. District Magistrate, Patna
4. Special Rationing Officer, Patna
5. Marketing Officer, Patna, District - Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the Respondent/s : Mr. Sanjay Kumar, AC to GP-23

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-12-2016

Heard parties.

The petitioner is aggrieved by the order dated 8.11.2012,
as contained in Annexure-2, by which his licence for vending
kerosene oil granted under the Bihar Trade Articles (Unification)
Order, 1984 has been suspended in view of first information report
having been lodged against the petitioner under Section 7 of the
Essential Commodities Act.

It is contended on behalf of the petitioner that his licence
was suspended in a proceeding for proposed cancellation and the life
time of such suspension would be only 90 days.

Counter affidavit has been filed on behalf of the



respondents. Learned counsel for the State submits that since FIR was lodged against the petitioner, a decision has been taken that the licence would remain suspended till finalization of the criminal case. However, learned counsel for the State has miserably failed to demonstrate from any provision of statute or law that such provision exists for keeping the vending licence under suspension till finalization of police case by a competent court of jurisdiction.

Accordingly, in my view, since the life time of suspension in a proceeding for cancellation of licence would be only for 90 days, the order impugned cannot be sustained in law.

As a result, this application succeeds. The order impugned, as contained in Annexure-2, is quashed and set aside. The licence of the petitioner stands restored till a decision is taken by the court of competent jurisdiction in the concerned criminal case.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.03.2017
Transmission Date	N.A.

