

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 2375 of 2016

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Bhubneshwar Mandal, Son of Late Soman Mandal, Resident of Village
Parsa, P.S. Jhanjharpur, District Madhubani.

.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhubani.
3. The Sub-Divisional Officer-cum-Licensing Authority Jhanjharpur, District Madhubani.
4. The Block Supply Officer, Jhanjharpur.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Arjun Kumar, Adv.

For the Respondents: Mr. Aditya Nath Jha, AC to SC-18.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-12-2016

Heard learned counsel for the petitioner and the State.

The petitioner's PDS licence was cancelled vide orders dated 19.11.2011 and 12.12.2011 by Licensing Authority-cum-Sub-divisional Officer, Jhanjharpur, Madhubani, as contained in Annexure-4 & 5.

It is intriguing that when the licence was already cancelled vide order dated 19.11.2011, as contained in Annexure-4, what was the occasion for the licensing authority passed another order on 12.12.2011 vide Annexure-5 for cancellation of licence.



Be that as it may, the petitioner preferred appeal which was disposed of on 04.10.2012 and the appellate authority remanded back the matter to the Sub-divisional Officer, Jhanjharpur, Madhubani for conducting the hearing afresh and passing a reasoned and speaking order within a period of forty five days. Thereafter, it appears that on 26.02.2013, the Licensing Authority-cum-Sub-divisional Officer, Jhanjharpur, Madhubani sent the matter to the District Level Selection Committee for taking necessary action.

It is contended by the petitioner that nothing has been done thereafter.

In my view, such step taken by the Licensing Authority is not permissible in law. He being the licensing authority, himself has to decide the matter. The District Level Selection Committee does not have any authority to review or to take decision with respect to the cancellation or suspension of licence under the provisions contained in either Clause 7(ii) of the PDS (Control) Order, 2001 or Clause 27 of the Bihar Targeted Public Distribution System (Control) Order, 2015, thus, in my view, unnecessary delay has been caused in this matter.

Accordingly, this writ petition is being disposed of with a direction to the Sub-divisional Officer, Jhanjharpur, Madhubani to



take a decision in the matter after granting reasonable opportunity to the petitioner once again and also complying the direction given by the appellate authority within a period of two months from the date of receipt/production of a copy of this order. The petitioner would be at liberty to raise all the grounds once again which would be available to him under law which should be considered by the Licensing Authority on its own merit and in accordance with law.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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