

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4115 of 2016

Navin Kumar @ Navin Sharma son of Sri Janardan Prasad Sharma Resident of Village - Tehai, P.S. - Pasraha, District - Khagaria.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Madhepura.
3. The Sub Divisional Officer, Gogari, District - Khagaria.
4. The District Supply Officer, Khagaria.
5. The Block Development Officer, Parbatta, District - Khagaria.
6. The Block Supply Officer, Parbatta, District - Khagaria.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar, AC to SC-8

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 24-08-2016

As prayed, learned counsel for the petitioner is permitted to make necessary correction with regard to the description of respondent no.2 in the array of respondents in course of the day.

Heard parties.

Petitioner seeks quashing of order dated 17.10.2015 passed by the respondent no.3, as contained in Annexure-1, by which his PDS licence No. 02P/2008 has been cancelled on the ground of institution of Pasraha P.S. Case No. 133 of 2015 under Section 7 of the Essential Commodities Act against him.

It is contended that this issue is covered by a decision of this Court dated 2.2.2016 rendered in CWJC No. 1898 of 2016, a

copy of which has been produced at the time of hearing.

From perusal of the order impugned, it appears that sole reason assigned for cancellation is that F.I.R. has been lodged against the licensee. This issue is no longer *res integra* having been considered and decided several times that P.D.S. licence cannot be cancelled on the aforesaid ground.

Accordingly, this writ application stands allowed in terms of aforesaid decision dated 2.02.2016. The impugned order as contained in Annexure-1 is quashed and set aside. As a consequence, the supply to the petitioner should be restored.

However, it is made clear that this order would not come in the way of the licensing authority in issuance of a fresh show cause notice, if it so desires, if the petitioner has committed any irregularity and violated the terms and conditions of the licence but reasonable opportunity should be granted to him in terms of Clause 7 (ii) of the Bihar Distribution System (Control) Order, 2001.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.09.2016
Transmission Date	N.A.