

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 16374 of 2016

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Ran Vijay Singh, Son of Late Vishwanath Singh, Resident of Village-
Parasian, P.S. Nasriganj, District- Rohtas.

.... Petitioner.

Versus

1. The State of Bihar through Principal Secretary Food and Supply,
Government of Bihar, Patna.
2. The District Magistrate Rohtas at Sasaram.
3. The Sub-Divisional Officer, Bikramganj, Rohtas.
4. The Block Development Officer Nasriganj, Rohtas.

.... Respondents.

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Appearance :

For the Petitioner : Md. Naseem Mukhtar, Adv.

For the Respondents: Mr. Sanjay Kumar Giri, GP-9.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 07.08.2016 passed by the Licensing Authority-cum Sub-divisional Officer, Bikramganj, Rohtas, as contained in Annexure-2 by which PDS licence No. 19 of 2007 of the petitioner has been cancelled on the ground that FIR under Section 7 of the Essential Commodities Act has been registered against him.

In my view, there is no such provision of cancellation of licence in the Targeted Public Distribution System (Control)



order, 2015. Clause 28 of the Act lays down as under:-

“28. Actions to be taken a licensee after a FIR lodged
If an FIR is lodged against a license under the Essential Commodities Act, 1955 or for any other criminal cases, and he is sent to jail or he goes fugitive, his license shall be suspended by the licensing authority with immediate effect, and after serving show cause notice upon him in accordance with Civil Procedure Code and giving him sufficient opportunity to present his case, a lawful action shall be taken within 180 days, as far as possible.”

Thus, it is clear as per the above that the procedure laid down as above has not been followed at all and the licence has been cancelled on the ground that FIR has been lodged.

Accordingly, this writ petition is allowed and the impugned order, as contained in Annexure-2 is quashed and set aside.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

