

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6061 of 2016

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Ram Prakash Sah, son of late Anandi Sah, resident of village- Pakrail, P.S.- Maheshkhunt, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Khagaria.
3. The Sub Divisional Officer, Sub-Division- Gogri, District- Khagaria.
4. The Block Supply Officer Block- Gogri Cum Block Development Officer, Gogri, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Adv.
For the State : Mr. Kumar Alok, SC-8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-08-2016

Heard parties.

Petitioner seeks quashing of order dated 19.2.2016 passed by the respondent no. 3, as contained in Annexure-1, by which his PDS licence No. 42G/07 has been cancelled on the ground of institution of Maheshkhunt P.S. Case No. 18 of 2016 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 appended as Annexure-3.

A counter affidavit has been filed. It is contended on behalf of the State that several irregularities were found due to which

licence of the petitioner has been cancelled.

However, from perusal of the order impugned, it appears that sole reason has been assigned for cancellation is that the 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 Annexure-3. 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 to issue a fresh show cause notice 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)

S.Ali/-

AFR/NAFR	NAFR
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