

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2260 of 2014

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Bhupendra Narayan Mishra, S/O Late Deo Nandan Mishra, Resident Of Village-
Farda, P.S- Naya Ram Nagar, District- Munger.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Munger.
3. The Sub Divisional Officer, Sub Division- Sadar, District- Munger.
4. The Block Supply Officer Block- Jamalpur, District- Munger.

.... Respondents

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Advocate

For the Respondent/s : Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-12-2016

Heard parties.

The petitioner's licence was suspended on 15.06.2010 in view of the provisions contained in Clause 7 (III) of the Public Distribution System (Control) Order, 2001 (hereinafter referred to as 'the Control Order, 2001') on the ground that the FIR was lodged against him under Section 7 of the Essential Commodities Act.

It is contended that about six years have elapsed but trial could not be concluded and the shop of the petitioner has remained closed in view of such suspension.

Per contra, learned counsel for the State submits that suspension was under the provisions contained in Clause 7 (III) of the Control Order, 2001, therefore, the same cannot be faulted with.



Learned counsel for the State is correct in saying that at the time when the order dated 15.06.2010 was passed suspending the licence of the petitioner on the ground that FIR was lodged against him under Section 7 of the Essential Commodities Act, such suspension would continue till a final decision is taken in the concerned criminal case, however, this is also a fact that the provisions of suspension itself stands omitted from the statute after the subsequent amendment brought in the Control Order which was made effect from 23.06.2011 and Clause 7 (III) of the Control Order also stands deleted. That apart, the petitioner's licence has suspended for about six years, a question would be till what period, the petitioner should wait for result of his trial and for how many years suspension would remain in operation, even though such provisions of suspension itself has been deleted from the Control Order?

Since there is already much atonement on the part of the petitioner and subsequently the provisions of suspension has already been omitted from the provision of law, this Court *ex debito justitiae* would direct the licensing authority, in the peculiar facts and circumstances of this case in which petitioner's licence has remained suspended for about six years and the trial has not been concluded, to revoke the suspension and resume supplies which of course would be subject to the result of the concerned criminal case.



If the trial is concluded and the petitioner is convicted then consequential order under Section 14 of the Control Order, 2001 for cancellation of licence can be passed by the licensing authority, whereas, in case of acquittal, no order would be required to be passed.

Accordingly, this writ application stands disposed of with the aforesaid observations and findings.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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