

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11815 of 2016

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Ranjeet Kumar Singh S/o Late Shyamsundra Singh Resident of Village/Mohalla -
Launga, P.S. - Gogari, District - Khagaria.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Khagaria.
2. The Collector, Khagaria.
3. The Sub Divisional Officer, Gogari, Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand,
Mr. Binod Kumar, Advocates
For the State : Mr. Arvind Kumar Sinha, A.C. to S.C. 14

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-09-2016

Heard parties.

Sole ground taken by the petitioner for assailing
Annexure 2 which is an order dated 19.02.2016 passed by the Sub-
Divisional Officer-cum-Licensing Authority, Gogari, by which he has
cancelled PDS licence of the petitioner, is that the same has been
passed on the basis of institution of first information report under
Section 7 of the Essential Commodities Act.

This issue is no longer *res integra* having already been
decided on several occasions by this Court. A reference in this regard
is made to an unreported judgment dated 02.02.2016 rendered in
C.W.J.C. No.1898 of 2016 (Janardan Ram Versus the State of

Bihar & Ors.) holding that Public Distribution System (Control) Order, 2001 does not contemplate cancellation of licence merely on the ground of institution of F.I.R. against the licensee.

Accordingly, this writ application succeeds. The impugned order as contained in Annexure 2 is quashed and set aside. The supplies of the petitioner have to be resumed immediately, if he produces a certified copy of the order by which he has been granted bail in the concerned case by a competent court.

However, if the Licensing Authority comes to the conclusion that the petitioner has committed any irregularity then he would be at liberty to initiate a proper proceeding in accordance with law but, in such case, the petitioner has to be granted reasonable opportunity.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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