

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15760 of 2015

=====

Mundrika Sah son of Late Drup Sah Resident of Village- Barari Harkesh, P.S.-
Uchkagaon, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj
3. The Sub-Divisional Officer, Hathua, District- Gopalganj
4. The Block Development Officer, Uchkagaon, District- Gopalganj
5. The Block Supply Officer, Uchkagaon, District- Gopalganj

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Umesh Kumar Singh, Advocate
For the Respondent/s : Mr. Shailesh Kumar, AC to GP-5

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 01-09-2016

Heard parties.

The petitioner seeks quashing of the order dated 6.03.2008, as contained in Annexure-4, by which his PDS licence was suspended and he was directed to further show cause as to why his licence should not be cancelled on the charges which have been levelled in the aforesaid order.

It is contended on behalf of the petitioner that the suspension was of the year 2008 and no final order has been passed as yet, therefore, suspension order cannot continue for such a long period.

It is apparent from the perusal of Annexure-4 that on

certain charges of committing certain irregularities and on the basis of registration of FIR against the petitioner under Section 7 of Essential Commodities Act, the licence of the petitioner was suspended and he was further directed to show cause as to why his licence should not be cancelled. The provision of suspension of licence till the pendency of criminal matter was later on omitted from the Public Distribution System (Control) Order, 2001 by brining an amendment which was made effective from 23.06.2011.

Accordingly, this writ application stands allowed. The impugned order as contained in Annexure-4 is quashed and set aside as admittedly no final order has been passed by the licensing authority till date. The licence of the petitioner should be restored with immediate effect.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.09.2016
Transmission Date	N.A.