

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 400 of 2017

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Wakil Das Son of late Yadu Das Resident of Village- Jangali Mandal
tola, Post- Mathar, P.S. and District- Khagaria. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Food and
Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Khagaria, District- Khagaria.
3. The Sub-Divisional Officer, Khagaria, District- Khagaria.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Adv.

For the Respondents: Mr. Sanjay Kumar Giri-GP9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-02-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated
07.09.2011 passed by the Sub-divisional Officer, Khagaria, as
contained in Annexure- by which the PDS licence no.
123K/2007 was cancelled as well as the appellate order dated
06.09.2016 passed by the District Magistrate, Khagaria, as
contained in Annexure-4 by which Supply Appeal No. 26 of
2013 has been dismissed.

The sole issue raised by the petitioner in this writ
application is that there is no provision in law for cancellation of
the PDS licence on the ground that First Information Report has
been lodged against him under section 7 of the Essential
Commodities Act(hereinafter to be referred to as “the Act”).

A reference in this regard is made to a decision dated
02.02.2016 rendered by this Court in **C.W.J.C. No. 1898 of
2016(Janardan Ram v. The State of Bihar and others).**



The issue is no longer *res integra* as this Court has considered the issues on several occasions and has decided that there is no such provision for cancellation of PDS licence merely on the ground that First Information Report has been lodged under section 7 of the E.C. Act against the licensee. It is apparent from the order impugned that the sole ground taken for cancellation is the institution of the police case.

Accordingly, this writ application is allowed in the terms of the decision dated 02.02.2016 rendered in **C.W.J.C. No. 1898 of 2016(Janardan Ram v. The State of Bihar and others)** and the order impugned contained in Annexure-1 and 4 is quashed and setting aside.

As a consequence of the setting aside of the order contained in Annexure-1 and 4, the supplies of the petitioner would be resumed forthwith.

However, it is made clear that this order would not come in the way of the authorities if they decide to initiate a fresh proceeding against the petitioner in accordance with law on the ground other than lodging a police case, if such ground exists.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
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