

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.500 of 2017

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Jagdish Mochi Son of Sri Jamun Mochi, Resident of Village- Mirjapur Jagani, Post- Rampura, P.S.- Singhwara, District- Darbhanga.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s: M/s Rajeev Kr. Labh and Chandra Moleshwar, Advs.

For the Respondent/s : Mr. S. Raza Ahmad- AAG 5

Mr. Anisul Haque, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 18-04-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is facing a criminal case, vide Criminal Case No. Singhwara P.S. Case No. 118 of 2016 for offences under section 7 of the Essential Commodities Act where the allegation has been made of involving in the blacking and seizure of the goods that led to passing of the suspension order by the Certificate Officer, vide Memo. No. 678 dated 29.08.2016 (Annexure-1).

Clause 28 of the Bihar Targeted P.D.S. (Control) Order provides that in the event of lodging of an First Information Report, the Certificate Officer has jurisdiction to put the licensee



under suspension, but it will follow the procedure of issuance of show cause notice and take a decision as per clause 28 of the aforesaid Control Order, which provides in the event of lodging of an First Information Report under the Essential Commodities Act or lodging of any other criminal case and the person is put behind the bar or he goes fugitive, the license of the licensee will be suspended with immediate effect, after service of show cause notice and the proceeding will be concluded within 180 days after giving him sufficient opportunity to present his case, but in the present case, the suspension has been affected on 29.08.2016, but till date, there is no finality of the proceeding.

From the counter affidavit it appears that the Licensing Authority has issued the show cause dated 10.08.2016 (Annexure-3) as to why the license of the petitioner be not cancelled whereafter the Sub-Divisional Officer, Darbhanga has not concluded the proceeding till today whereas as per the Mandate of the Control Order, the proceeding has to be concluded within 180 days.

Let the Sub-Divisional Officer take decision and conclude the aforesaid proceeding within a period of one month from the date of receipt or production of a copy of this order. In failure to conclude the same within the aforesaid period, the order



of suspension dated 29.08.2016 (Annexure-1) will be treated to have been vacated.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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