

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12714 of 2016

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Janardan Prasad Gupta, Son of Sita Ram Sah, Resident of Village : -
Agarsi Dihra, Police Station : - Kargahar (Barahari O.P.), Block -
Kochas, District : - Rohtas. Petitioner.

Versus

1. The State of Bihar, through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
 2. The Commissioner, Patna Division, Patna.
 3. The District Magistrate, Sasaram, Rohtas.
 4. The Sub-Divisional Officer, Sasaram, Rohtas.
 5. The Block Supply Officer, Kochas, Rohtas. Respondents.
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Appearance :

For the Petitioner : Mr. N. K. Agarwal, Sr. Adv.

: Mr. Dhaneshwar prasad Gupta

For the Respondents: Mr. S. Raza Ahmad- AAG5

: Mr. Vishwambhar Pd. AC to AAG5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 31-01-2017

Counter affidavit is filed on behalf of the respondent
nos. 3 and 5. Let it be kept on record.

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated
07.04.2010 passed by the Sub-divisional Officer, Rohtas at
Sasaram, as contained in Annexure-2 by which the PDS licence
no. 51/85 was cancelled as well as the appellate order dated
21.12.2012 passed by the District Magistrate, Rohtas at Sasaram,
as contained in Annexure-3 by which Supply Appeal No. 04 of
2010 has been dismissed as also the revisional order dated
15.12.2015 passed by the Divisional Commissioner, Patna, as



contained in Anneuxre-4 by which he has upheld the appellate order and dismissed the revision.

The sole ground raised by the petitioner at the time of hearing is that once the order of suspension is passed, the subsequent show cause notice as well as the order of cancellation of licence would be without jurisdiction. Reliance is placed upon the judgment of the Division Bench of this Court rendered in Shiv Chandra Jha Vs. Harideo Jha [2013 (3) PLJR 956].

I find force in the submission raised on behalf of the petitioner that once the order of suspension is chosen there would be no occasion for the Licensing Authority to again proceed to cancel the same on the self same charges.

Accordingly, in my view, the orders impugned are not sustainable in the eye of law. In the result, this writ application is allowed. The impugned orders as contained in Annexure-2, 3 and 4 are quashed and set aside. Since the order of suspension having been passed on 04.01.2010 has also outlived its life, the petitioner's licence is restored and he is entitled for resumption of supplies.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2017
Transmission Date	NA

