

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6815 of 2016

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Bishwanath Das, son of Late Muthai Das, resident of village - Prayagdah, P.S. -
Hasanganj, District - Katihar.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Katihar.
3. The District Supply Officer, Katihar.
4. The Sub-Divisional Officer, Katihar.
5. The Block Supply Officer, Hasanganj, District - Katihar.
6. The Circle Officer, Hasanganj, Katihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr. Rakesh Ranjan, AC to GP-22

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 14-02-2017

Heard parties.

The petitioner assails Annexure-4 which is an order dated 13.08.2015 passed by the Sub-Divisional Officer-cum-Licensing Authority, Katihar by which his PDS Licence No.19/1992 has been cancelled.

Sole ground raised on behalf of the petitioner is that cancellation of licence is only on the ground of registration of the FIR against the petitioner under Section 7 of the Essential Commodities Act.

After perusal of the impugned order, this Court finds force in the submission raised on behalf of the petitioner. Sole ground



taken for cancellation of licence is lodgment of the FIR against the petitioner and, thereafter, his allocation has been attached with some other PDS Dealer.

This Court in ***Umesh Ram Vs. The State of Bihar and Ors. (AIR 2014 PATNA 113)*** has already held that cancellation on the ground of registration of criminal case against the licensee under Section 7 of the Essential Commodities Act would not be lawful.

Accordingly, the impugned order, as contained in Annexure-4, is not found sustainable in law at all and, as such, the same is quashed and set aside.

If the petitioner is on bail then there would be no hindrance in running his PDS shop, therefore, supplies should be resumed immediately.

However, as the law contemplates, his licence or allotments would be depend upon final result of the concerned criminal case.

As a result, this application stands allowed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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