

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15431 of 2016

=====

Kishundeo Yadav Son of Late Gauri Yadav Village - Gobrahi, P.O. Dorbar, P.S. Jaynagar, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The Principal Secretary, Co - Operative Department, Govt. of Bihar, Patna
3. The District Magistrate, Madhubani
4. The Sub Divisional Officer, Jaynagar
5. The District Co - Operative officer, Madhubani
6. The District Supply officer, Madhubani

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai, Adv.
Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. S. Raza Ahmad- AAG5
Mr. Alok Ranjan, AC to AAG5

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-08-2017

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is challenging the order dated 8.8.2016 by which the licence which has been granted to the petitioner has been cancelled on the ground of lodging of the First Information Report vide Jaynagar P.S. Case No. 172 of 2016 under Sections 406, 420, 34 of the Indian Penal Code.

The petitioner was running a P.D.S. shop under the valid licence granted by the State of Bihar bearing Licence No. 3/2011 but, a criminal case was lodged, as aforesaid, making an allegation of having not submitted the proportionate C.M.R.



Learned counsel for the petitioner submits that the facts mentioned in the First Information Report has no bearing with the running of the P.D.S. shop as well as Clause 28 of the Bihar Targeted P.D.S. Control Order, 2016 prescribes that in case of lodging of First Information Report, if the person has been put behind the bar or has been declared fugitive, his licence would be suspended. Again Clause 29 of the aforesaid Control Order provides that if convicted in a criminal case, the licence would be cancelled.

In the present case, neither the conditions mentioned in Clause 28 of the Control Order, 2016 is satisfied nor the ground mentioned in Clause 29 of the aforesaid Order is available in the present case. The licence has been cancelled merely after lodging of the First Information Report and, that too, the facts mentioned therein have no bearing with the running of the P.D.S. shop.

In that view of the matter, the order dated 8.8.2016 passed by the Sub-Divisional Officer, Jaynagar is set aside.

In the result, the present writ application stands allowed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2017
Transmission Date	NA

