

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6884 of 2015

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Naresh Mohan Jha, Son of Sri Bhuneshwar Jha, Resident of Bhaptia, P.S.- Sour Bazar, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Civil Supply Department, New Secretariat, Patna.
2. The Secretary, Food & Civil Supply Department, New Secretariat, Patna.
3. The District Magistrate, Saharsa.
4. The Sub-Divisional Magistrate, Sadar-Saharsa.
5. District Supply Officer, Saharsa.
6. Block Supply Officer, Saur Bazar, District- Saharsa.

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. D.N. Tewari, Advocate

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-07-2018

Heard learned senior counsel for the petitioner.

2. The present writ petition has been filed for a direction upon the Licensing Officer-cum-Sub-Divisional Officer, Sadar Saharsa to restore the license granted to the petitioner to run the PDS shop at Suhath Panchayat, Block Saur Bazar, District Saharsa.

3. Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioner, submits that the license of the petitioner was suspended in view of the first information report bearing Saur Bazar P.S. Case No. 284 of 2006 having been instituted with allegation of black-marketing of the food grains. It is stated that the petitioner has



since been acquitted vide judgment dated 25.07.2014 passed by learned Sub-Divisional Judicial Magistrate, Saharsa in Special Case No. 14 of 2006 (0007746 of 2014) arising out of Saur Bazar P.S. Case No. 284 of 2006. It is therefore submitted that the very foundation of suspension order is no longer in force.

4. None appears on behalf of the respondents when the matter is called.

5. Having regard to the nature of the grievance of the petitioner as well as the fact that the petitioner has since been acquitted of the charges of black-marketing which was the basis for cancellation of the petitioner's licence, the suspension order cannot be sustained.

6. Accordingly, the impugned order of suspension dated 22.12.2006 (Annexure-2) is hereby quashed and licence of the petitioner is directed to be restored after observing all the formalities in accordance with law.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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