

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6947 of 2018

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Ram Kumar Yadav @ Ram Kumar Prasad Yadav, Son of Late Chhedi Yadav,
Resident of Village- Parariya, Police Station- Magadh University, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supplies Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar, District- Gaya.
4. The District Supply Officer, District- Gaya.
5. The Block Supply Officer, Block Bodh Gaya, District- Gaya.
6. The Block Development Officer, Block- Bodh Gaya, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar,Adv

For the Respondent/s : Mr. ARVIND UJJWAL- SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2018

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

2. The present writ petition has been filed for quashing the
order as contained in vide memo no. 613 dated 27.06.2017 (Annexure-
3) passed by the Sub Divisional Officer, Sadar, Gaya by which the
petitioner's PDS licence No. 04/2010 has been suspended; for quashing
the order contained in memo no. 1189 dated 31.12.2017 by which the
Licencing Authority has cancelled the said PDS licence of the petitioner;
and for connected reliefs.

3. Learned counsel for the petitioner invites attention to the



impugned order dated 27.06.2017 according to which the petitioner's PDS licence has been suspended on the ground that an FIR bearing Magadh University P.S. Case No. 67 of 2017 has been instituted against him under Section 7 of the Essential Commodities Act. It is further submitted that the Licencing Authority has cancelled the PDS licence of the petitioner by order contained in memo no. 1189 dated 31.12.2017 (Annexure-5) without service of any show cause notice to the petitioner. It is further stated that the petitioner has been granted anticipatory bail by this Court in Cr. Misc. No. 44836 of 2017. It is submitted that such action is wholly contrary to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, which provision reads as follows___

"28. Actions to be taken against a licensee after a F.I.R. lodged.- If an F.I.R. is lodged against a licensee under the Essential Commodities Act, 1955 or for any other criminal cases and he is sent to jail or he goes fugitive, his license shall be suspended by the licensing authority with immediate effect, and after serving show cause notice upon him in accordance with Civil Procedure Code and giving him sufficient opportunity to present his case, a lawful action shall be taken within 180 days, as far as possible."

4. It is further pointed out that even though the order of suspension has been passed as far back as on 27.06.2017, no show cause notice thereafter for taking any lawful action against him has been served even after lapse of more than 180 days, as contemplated



under Rule 28 aforesaid.

5. Learned counsel for the respondents appears and has been heard.

6. In the above matter, the writ petition stands allowed and the order of suspension dated 27.06.2017 (Anenxure-3) and the order dated 31.12.2017 (Annexure-5) are hereby quashed. Licence of the petitioner shall be restored without delay.

7. It is made clear that in case the stand of the petitioner that no reasonable opportunity has been granted prior to suspension of his licence is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

(Vikash Jain, J)

Chandran/BT`

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2018
Transmission Date	NA

