

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23004 of 2018

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Lal Babu Singh son of Raja Ram Singh, resident of village-Kurmuri Baghra
Tola, P.S. Sikrahatta, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-12-2018 The present writ petition has been filed for quashing the order dated 31.07.2018 passed by the Sub-Divisional Officer, Piro, Bhojpur Ara, whereby and where under the license of the shop of the petitioner has been cancelled on the ground of lodging of an FIR against the petitioner herein.

The learned counsel for the petitioner submits that Clause-27 of the Bihar Targeted P.D.S. (Control) order, 2016 would show that mere lodging of an FIR cannot be a ground for cancellation of the license.

The learned counsel for the respondents does not oppose the ground taken by the petitioner for the purpose of assailing the impugned order of cancellation inasmuch as Clause-27 of the Bihar Targeted P.D.S. (Control) Order, 2016 is very clear.



Accordingly, the present writ petition is allowed and the impugned order dated 31.07.2018 passed by the Sub-Divisional Officer, Piro, Bhojpur Ara is quashed.

However, it is made clear that this order would not come in the way of the licensing authority to issue a fresh show cause notice if the petitioner has committed any irregularity and violated the terms and conditions of the license but reasonable opportunity should be granted to him in terms of Clause 7 (ii) of the Bihar Distribution System (Control) Order, 2001.

(Mohit Kumar Shah, J)

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