

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1565 of 2019

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Md. Ataulah, Male, aged about 51 years, son of Navi Hassan, P.D.S. Dealer,
Resident of Village and P.O. Bishunpur Patti Panchayat Bishunpur Patti,
Block Sahebganj, Distt. Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna
2. Sub Divisional Magistrate, West Muzaffarpur
3. Block Supply Officer, Sahebganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi, Adv.
For the Respondent/s : Mr. U.P. Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2019 Learned counsel for the petitioner submits that even though the petitioner was served with a notice to show cause vide memo no.1039 dated 05.09.2012 by the Sub-Divisional Officer, West Muzaffarpur as to why his licence should not be cancelled, the fact remains that the Sub-Divisional Officer has not cancelled the licence of the petitioner. In this connection, learned counsel further submits that a perusal of the order dated 11.09.2012 as contained in Annexure-3 passed by the Sub-Divisional Officer would show that although he had come to a conclusion that the petitioner had acted in violation of the terms of the licence, he had directed only for lodging of the FIR against the petitioner.

Learned counsel submits that the FIR lodged against



the petitioner gave rise to Sahebganj P.S. Case No.185 of 2012 which was ultimately tried and resulted in acquittal of the petitioner. Learned counsel submits that from the observations of the trial court it will appear that neither the government witnesses nor the independent witnesses of the case turned up to appear at the evidence stage. The trial court has held that they had failed to discharge their duties and have not cooperated in disposal of the case.

By virtue of the acquittal of the petitioner, now he claims that he should be allowed to lift the food-grains and other commodities for sale through his public distribution shop.

Learned counsel for the State is present.

In the given facts and circumstances of the case, this Court directs the District Magistrate, Muzaffarpur to look into the entire matter, consider the case of the petitioner and take appropriate steps to find out as to whether or not licence of the petitioner was cancelled. It will be open for the District Magistrate to find out as to how and under what circumstances the government officials did not appear in the trial court to provide cooperation in the matter of disposal of the case. It appears that because the witnesses did not appear, the petitioner got acquitted and is now claiming benefits of the same. These



aspects to be looked into in the administrative side by the District Magistrate independently. He will also take a view on the present position as this Court has been informed that in the meantime Control Order of 2016 has come into force and some steps were also taken to fill up the seats in the area in question. The entire exercise be completed and a decision be taken in this regard, which should be communicated to the petitioner, within a period of three months from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

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