

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18343 of 2018

Prabhunath Rai Son of Asharfi Rai, Resident of Village- Khaira, Ajan Police Station Baikunthpur, District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supplies, Government of Bihar, Patna.
2. The District Magistrate-cum Collector, Gopalganj.
3. The District Supply Officer, Gopalganj.
4. The Subdivisional Officer, Gopalganj.
5. The Block Supply Officer, Baikunthpur, District- Gopalganj.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh, Advocate
For the Respondent/s : Mr.Shashi Shekhar, Pd. Sinha, A.C. to SC-IV

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-01-2019 A limited prayer has been made on behalf of the petitioner by filing Interlocutory Application bearing no. 8469/2018. It is submitted that the Sub-Divisional Officer, Gopalganj has placed the petitioner under suspension vide Memo No. 1758 dated 01.08.2018 without serving him a show cause notice.

It is submitted that in terms of paragraph - 28 of the Bihar Targeted PDS (Control) Order, 2016, suspension of the license could have been done only after serving a show cause notice upon the petitioner in accordance with the provisions of Civil Procedure Code.

However, learned counsel represented the State submits that once a First Information Report has been lodged



against the licensee under the Essential Commodities Act, 1955 and he has been sent to Jail, his license is liable to be suspended by the Licensing Authority with immediate effect. It is submitted that in such circumstances the relevant rule does not provide for any show cause notice. It is only when the authorities proceed to take further action, a show cause notice is required to be served upon the petitioner.

Having heard learned counsel for the parties, this court is of the considered opinion that so far as the order as contained in Memo No. 1758 dated 02.08.2018 (Annexure-4) is concerned, no interference is required with the said order at this stage. In case, the Sub-Divisional Officer, Gopalganj is willing to proceed and take any further action in the matter, he will do so only after compliance with the provisions of the Rule 28 whereunder service of show cause notice is a must.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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