

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14550 of 2016

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Gopal Choudhary son of Ramlal Choudhary resident of Village Sisai, Tola Bhukhal Chhaper, P.S. Bhorey, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through Zila Padadhikari, Gopalganj
2. The Zila Padadhikari, Gopalganj, District- Gopalganj.
3. The District Supply Officer, Gopalganj, District- Gopalganj.
4. The Sub-Divisional Officer, Hathwa, District- Gopalganj.
5. The Prakhanda Vikas Padadhikari, Bhorey, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta
For the Respondent/s : Mrs. Smt. Namrata Mishra-GA6

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-11-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner, in this writ petition, seeks quashing of the order dated 30.05.2016, as contained in memo No. 736 (Annexure-4), issued under the signature of the Sub divisional Officer, Hathwa, Gopalganj (respondent No.4) by which the license of the petitioner for distribution of food grains has been suspended under Clause 28 of Bihar Targeted Public Distribution System (Control) Order, 2016 on the ground that an FIR has been lodged against the petitioner under Section 7 of the Essential Commodities Act.

The learned counsel for the petitioner assailed the order on the ground that Clause 28 of Bihar Targeted Public Distribution System (Control) Order, 2016 says that If an FIR 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 but the condition as prescribed under Clause 28 has not been fulfilled as the petitioner got anticipatory bail and he was not sent to jail. The petitioner never became absconder. It further transpired that the suspension of license should be for six months but the order suspending license of the petitioner has been passed on 30.05.2016 and the same remained in operation although more than four years have elapsed.

Having considered the facts, I find that the license of the petitioner has been cancelled on nonest ground and the order suspending the license of the petitioner has remained in force for more than 180 days, therefore, the impugned order dated 30.05.2016, as contained in memo No. 736 (Annexure-4), issued under the signature of the Sub divisional Officer, Hathwa is not sustainable and the same is quashed.

This writ petition is, accordingly, allowed.

(Prabhat Kumar Jha, J)

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