

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7590 of 2020

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Manna Singh @ Munna Singh Son of Late Bhekhari Singh Resident of
Village- Indrawa, Police Station- Gopalganj Town, District- Gopalganj
... .. Petitioner

Versus

1. The State of Bihar
 2. The District Magistrate, Gopalganj
 3. The Sub-Divisional Officer, Gopalganj, District- Gopalganj
 4. The Block Development Officer, Thawe, District- Gopalganj
 5. The Circle Officer Cum Block Supply Officer, Thawe, District- Gopalganj
... .. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 14-07-2021 The petitioner possesses licence for running a P.D.S. Shop in Gram Panchayat Inderwa Abadullah, Thawe Block, in Gopalganj district. He has put to challenge an order dated 25.11.2019 passed by the Sub-Divisional Officer, Gopalganj-cum-Licencing Authority, whereby, in view of pendency of a criminal case against him in relation to alleged black marketing of food grains allotted for his shop for distribution among beneficiaries, his licence has been suspended.

2. This is admitted fact that the licence in question is governed by Bihar Targeted Public Distribution System (Control) Order, 2016. It is the case of the State of Bihar that the impugned order has been passed in exercise of power under



Order 28 of the said Order, which reads thus :-

“28. Actions to be taken against a licensee after a FIR lodged. - 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, 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.”

3. Admittedly, no order has been passed within 180 days of suspension of licence till date.

4. Mr. Upendra Pratap Singh, learned A.C. to S.C.-4 appearing for the respondent State has submitted that the petitioner approached this Court before expiry of 180 days from passing of the impugned order and, therefore, the licensing authority refrained from passing any final order.

5. The said submission advanced on behalf of the State of Bihar cannot be accepted as valid. The provisions specifically require an order to be passed within 180 days. Same having not been done, the order of suspension cannot be



allowed to operate for an indefinite period. The same is accordingly set aside.

6. The respondents shall, however, be at liberty to proceed in accordance with law.

7. This application is allowed.

(Chakradhari Sharan Singh, J)

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