

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2827 of 2021

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Sanjay Kumar @ Sanjay Kumar Bhagat, S/o Late Vishnudev Bhagat
Resident of Ward No.- 4, Saraunja, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Saharsa.
3. The Block Supply Officer, Simribakhtiyarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. U. P. Singh, AC to SC 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 14-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For setting aside the order contained in memo no.534-2 dated 20.04.2017 passed by the learned Sub Divisional Officer-cum-licensing authority, Simribakhtiyarpur by which the petitioner’s license who is a Thela Vendor has been suspended the license of the petitioner being license no.128/1985 till further order and the allotment of the petitioner had been tagged with another dealer and further be pleased to restore the supply of the petitioner.”

It is submitted on behalf of the petitioner that his
licence of kerosene oil was suspended vide order dated
20.04.2017 by Sub Divisional Officer-cum-Licensing Authority,

Simribakhtiyarpur for the reasons that he was made accused in a case instituted under Section 7 of the E.C. Act. It is further submitted that in terms of Rule 28 of Bihar Targeted Public Distribution System (Control) Order, 2016, the competent authority/the licensing authority/Sub-Divisional Officer has to pass an order within 180 days from the date of suspension and even after four years, no order has been passed by the licensing authority.

As such, the writ petition is disposed of giving liberty to petitioner to file a representation within four weeks before the Sub-Divisional Officer-cum- Licensing Authority, Simribakhtiyarpur who shall consider said representation in terms of Rule 28 of the Rules and pass appropriate order within 8 weeks from the date of filing of such representation.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2021
Transmission Date	NA