

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7992 of 2020

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Gopal Bhagat S/o-Ram Lakhan Bhagat, R/o-Ward no. 09, Mohalla-Kabir Chak, P.O. and P.S.-Darbhanga, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Sub-Divisional Officer, Sadar, Darbhanga.
4. The Block Supply Officer, Sadar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Advocate
For the Respondent/s : Mr.Gyan Shankar, AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioner and the State.

The present writ petition has been filed by the petitioner with the grievance that the Sub-Divisional Officer, Sadar, Darbhanga has suspended the PDS licence of the petitioner on account of lodging of FIR.

Learned counsel appearing on behalf of the petitioner submits that the order suspending the PDS licence of the petitioner suffers from the vice of non-application of mind. He further submits that there was no short of food grains during the process of verification of stock and as such the action of the respondents suspending the PDS licence of the petitioner is



uncalled for.

Learned counsel appearing on behalf of the respondents submits that the order is appealable one which is controverted by the counsel for the petitioner. In the counter affidavit there is emphasis by the respondents that during search 13 bags of rice and one bag of wheat of 50 Kgs. Were found, which, prima facie, appears to be related to the public distribution system and after service of show cause notice, the licence of the petitioner was suspended.

Although the petitioner has filed reply to the show cause notice before the licensing authority but without disposal of the case by the licensing authority, the present writ petition has been filed.

On consideration of the rival contentions of the parties, the Court finds that the order suspending the licence of the petitioner was passed by the respondents without providing reasonable opportunity to the petitioner. In view of the above, the order dated 12.03.2020, as contained in Annexure-2 cannot sustain. It is, accordingly, quashed. However, the authorities shall be at liberty to take appropriate fresh decision after hearing the petitioner in accordance with law provided there are material to proceed against the petitioner.



With the aforesaid, the writ petition stands allowed
and disposed of.

(Anil Kumar Upadhyay, J)

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