

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1071 of 2022**

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Kripa Shankar Pandey S/o Late Yogendra Pandey Resident of Village - Hussaini, P.S. - Dumariyaghat, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate - Cum- Collector, East Champaran, Motihari.
3. The District Supply Officer, East Champaran, Motihari.
4. The Sub- Divisional Officer, Chakia, District- East Champaran, Motihari.
5. The Block Supply Officer, Keshariya, District East Champaran.

... .. Respondent/s

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**Appearance :**

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr. S.B.K. Mangalam, Advocate       |
|                      |   | Mr. Dhurendra Kumar, Advocate       |
| For the Respondent/s | : | Mr. Bishwambhar Prasad, AC to AAG 5 |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**and**

**HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

**Date : 25-02-2022**

Heard Mr. S.B.K. Mangalam, learned Advocate for the petitioner and Mr. Bishwambhar Prasad for the State.

The petitioner is aggrieved by the order dated 18.06.2015 contained in Memo No. 121 passed by the Sub-Divisional Officer, Chakia, East Champaran/Licencing authority by which the PDS licence of the petitioner has been cancelled pursuant to the lodging of the FIR against him.



Learned counsel for the petitioner has submitted that from the impugned order itself, it would appear that no notice was served upon him.

The provision contained in Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 specifies that in the event of lodging of FIR against a licensee, his licence is required to be suspended forthwith and a final order has to be passed within a period of 180 days as far as possible, after serving a notice and receiving his reply from him against the charges foisted on him.

That not having been done and the licence being cancelled only on the ground of registration of the FIR, the order of cancellation is absolutely unsustainable. The procedure described in the Bihar Targeted P.D.S. (Control) Order, 2016 is required to be followed.

The impugned order reflects utmost haste which is not warranted in a case of this kind.

We are left with no option but to set aside the aforesaid order.

We remit the matter to the Licencing authority for writing out a fresh order in accordance with law after giving show-cause notice to the petitioner and adverting to the reply preferred by him.

The process would begin forthwith on the presentation of a copy of this order to the Licencing



authority by the petitioner, who shall pass a final order within the mandated period of 180 days.

Needless to state that the order passed by the Licencing authority shall be a reasoned order and it shall be communicated to the petitioner forthwith.

With the aforesaid direction/observation, this writ petition stands disposed of.

**(Ashutosh Kumar, J)**

**( Anjani Kumar Sharan, J)**

krishna/-

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| AFR/NAFR          | NAFR       |
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