

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1681 of 2022

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Sourav Kumar, male, aged about 30 years, Son of Ashok Singh, Resident of
Village - Mataso, Village Panchayat - Mataso, Police Station - Fatehpur,
District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and
Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya, Gaya.
4. The Block Supply Officer, Fatehpur, Distt. - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Respondent/s : Mr. Alok Ranjan, A.C. to A.A.G.-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 : 23-03-2022

Heard the counsel for the parties.

2. The license of the petitioner appears to have
been cancelled under Rule 28 of the Bihar Targeted P.D.S.
(Control) Order, 2016.



3. From the order of cancellation of license, it appears that no explanation was furnished by the petitioner for retaining him as a licensee. On that account, the license of the petitioner was cancelled.

4. The learned counsel for the petitioner has drawn the attention of this Court to the fact that after the petitioner was made accused in a criminal case, a notice was issued to him for taking a final decision after suspending his license, but he was given only three days time to furnish his reply. Notwithstanding that, the petitioner replied, but the same has not been taken into account.

5. A copy of the reply to the notice has been brought on record by way of supplementary affidavit, which, in our opinion, is absolutely silent about the reasons why the petitioner's license should have been retained.

6. Nonetheless, we are of the considered view that the petitioner must get an opportunity of challenging the order of cancellation before the Appellate Authority.

7. Should such an Appeal be filed by the petitioner within a period of 30 days from today, the



Appellate Authority shall look into the entire aspect of the matter after providing all opportunities to the petitioner and shall pass a final order within a period of 60 days thereafter, indicating the reasons for either sustaining or setting-aside the order of cancellation of the license of the petitioner. Such order passed by the Appellate Authority shall be supplied to the petitioner forthwith.

8. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

Praveen-II/-

AFR/NAFR	NAFR
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