

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2444 of 2022

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Jay Shankar Prasad, male, aged about 68 years, Son of Lakho Saw, Resident of Village- Bhelwa Tand (Takia Mohalla), P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply, Government of Bihar, Patna.
2. The Commissioner, Magadh Division.
3. The D.M., Nawada.
4. The S.D.O., Rajauli, Nawada.
5. The District Supply Officer, Nawada.
6. The Block Supply Officer, Rajauli, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
For the State : Mr. Upendra Pratap Singh, Advocate

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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 : 09-03-2022

Heard Mr. N.K. Agrawal, the learned senior Advocate for the petitioner and Mr. Upendra Pratap Singh, the learned counsel for the State.

2. The licence of the petitioner was



suspended on 28.12.2018 on the ground of his having been made accused in a criminal case involving breach of Essential Commodities Act, 1955.

3. A show-cause notice was issued to the petitioner on 31.12.2018 for explaining his cause which he replied on 03.01.2019. Since then, no decision has been taken by the licensing authority and the licence of the petitioner remains under continued suspension.

4. Mr. N.K. Agrawal, the learned senior Advocate has drawn the attention of this Court to the requirement of passing a final order under Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 within 180 days of such issuance of notice as far as possible.

5. There does not appear to be any explanation for such delayed conclusion of proceedings against a licensee under Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

6. We take strong exception to such



lethargic approach of the authorities concerned.

7. We, therefore, direct the licensing authority to advert to the reply given by the petitioner and take a final decision within a period of 90 days from the date of receipt/production of a copy of this order.

8. Needless to state that the petitioner shall be given a fresh opportunity of explaining his cause before a final decision is taken. The order passed by the licensing authority shall be a reasoned one.

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

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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