

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2641 of 2022

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Mohan Rai Son of Late Vasudev Rai, resident of Village-Katghara, P.S.-
Gogri, District-Khagaria.

... .. Petitioner.

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Khagaria.
3. The Sub Divisional Officer, Sub-Division-Gogri, District-Khagaria.
4. The Block Supply Officer Block-Gogri cum Block Development Officer,
Gogri, District-Khagaria.
5. The Superintendent of Police, Khagaria.
6. The Sub Inspector, Gogri, Police Station (S.H.O.) Gogri, Khagaria.

... .. Respondents.

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 02-03-2022 Heard Ms. Sushmita Mishra, learned Advocate
for the petitioner and Mr. Alok Ranjan for the State.

The licence of the petitioner was initially
suspended under Section 28 of the Bihar Targeted Public
Distribution System (Control) Order, 2016 (hereinafter,
in short referred to as 'Control Order, 2016') on the
ground of his becoming an accused in a criminal case.
However, no final order was passed even beyond the
mandated period of 180 days.

The petitioner, thereafter, preferred a writ
petition challenging the aforesaid order of suspension



vide C.W.J.C. No.1922 of 2021. The aforesaid order of suspension appears to have been quashed by order dated 02.12.2021.

It appears that the Division Bench, while passing the aforesaid order, was not apprised of the fact that much before, the licence of the petitioner had already been cancelled.

Ms. Mishra, learned Advocate for the petitioner has submitted that the order of cancellation, which is under challenge in the present writ petition, is though dated 23rd of March, 2021, but the same was never served on the petitioner.

In fact, the main ground of challenge to the aforesaid order in the present writ petition is that without notice to the petitioner, the aforesaid order has been passed only on the intimation that the petitioner has been made an accused in a criminal case involving violation and breach of the Essential Commodities Act.

We are left with no option but to set aside the order dated 23.03.2021 and remit the matter to the Licensing Authority for giving notice to the petitioner forthwith and after receiving his reply, to take a final decision in the matter within a period of 180 days as mandated under the Control Order, 2016.

Needless to state that the order so passed by



the Licensing Authority shall be a reasoned order and the petitioner shall be afforded all opportunity of hearing. He shall be provided the documents necessary for an effective reply before such an order is passed. The process shall immediately commence on the presentation of a copy of this order before him, preferably within a period of 15 days from today.

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

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

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