

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2877 of 2022

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Kamaldev Ram, aged about 47 years, male, Son of Yogendra Ram, Resident of Deoria, Block - Paroo, Police Station - Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Sub-Divisional Magistrate (West), Muzaffarpur.
5. The District Supply Officer, Muzaffarpur.
6. The Block Supply Officer, Paroo, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate
Mr. Ujjawal Bhushan, Advocate
For the State : Mr. Bijay Kumar Sinha, 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 the counsel for the parties.

2. The petitioner, a licensee under the P.D.S.

scheme, is aggrieved by the fact that despite his licence



having been suspended on 02.04.2020, for his having been made an accused in a criminal case involving breach of the provisions of the Essential Commodities Act, 1955, no notice has been given to him as yet for explaining his cause and consequentially, no final order has been passed in that regard.

3. The requirement under Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 is that a licensee whose licence is suspended, is to be noticed immediately and on return of the reply against the aforesaid notice, a final order has to be passed within a period of 180 days as far as possible.

4. The licence of the petitioner remains under continued suspension without any reason.

5. There can be no justification for not issuing notice to the petitioner for explaining his cause and the circumstances under which he was made an accused in the criminal case referred to above.

6. The petitioner had never absconded and was granted anticipatory bail, though only after the order of the



suspension of his licence was passed.

7. Be that as it may, the petitioner was entitled to explain his cause and get a final order with respect to the accusation against him regarding his licence to be continued.

8. Under the aforesaid circumstances, we direct the licensing authority to issue show-cause notice to the petitioner forthwith and on receiving his reply, take a decision with respect to his licence within a further period of 90 days, as much time has already elapsed since the suspension of licence.

9. Needless to state that the petitioner shall be provided all opportunities to explain his cause and the order passed by the licensing authority shall be a reasoned one.

10. With the aforesaid observation/direction, we disposed off this writ application.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

Praveen-II/-

AFR/NAFR	NAFR
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