

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3931 of 2022

=====

Suresh Paswan, male, aged about 45 years, Son of Prasad Paswan, Resident of Village and P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub-Divisional Officer, West, Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.
For the State : Mr. Vishambhar Prasad, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 20-06-2022

Heard Mr. Rajeev Kumar Labh, the learned Advocate for the petitioner and Mr. Vishambhar Prasad, the learned counsel for the State.

2. The license of the petitioner has been



suspended under Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (*in short the Control Order of 2016*).

3. It appears from the records that an F.I.R. has been registered against the petitioner under the provisions of the Essential Commodities Act, 1955.

4. The provisions contained in Clause 28 of the Control Order of 2016 specifically enjoins upon the licensing authority to suspend the license of a P.D.S. dealer against whom F.I.R. has been lodged and he is either sent to jail or goes fugitive. The authority is further under an obligation to serve a show-cause notice upon the aforesaid P.D.S. dealer in accordance with the provisions in Code of Civil Procedure and after giving him sufficient opportunity to present his case, a necessary lawful action is to be taken within 180 days, as far as possible.

5. It does not appear from the order of suspension of license of the petitioner whether he has been sent to jail or has gone fugitive.

6. Be that as it may, if the license of the



petitioner has been suspended on the ground of F.I.R. having been lodged against him, such proceeding must be taken to a logical conclusion.

7. After serving a notice to the petitioner as mandated under Clause 28 of the Control Order of 2016 and taking his response, necessary final order ought to be passed by the licensing authority.

8. Considering the time that has already elapsed since the suspension of license of the petitioner, we direct the licensing authority to serve upon the petitioner a notice and a reasonable opportunity of responding to the charge levelled against him.

9. In any case, let a final order be passed by the licensing authority within a period of 60 days at the maximum.

10. The order passed by the licensing authority shall be a reasoned order and if the petitioner finds himself aggrieved by such order, he would have an opportunity of challenging the same before an appropriate forum.

11. With the aforesaid observation/direction,



the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.06.2022
Transmission Date	N/A

