

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4079 of 2022**

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Rajmani Prasad, aged about 62 years, male, S/o Ganga Prasad, R/o Village -  
Nayka Gaon, Khilanganj, P.S. - Sasaram Town, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection  
Department, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Rohtas at Sasaram.
3. The Sub-Divisional Officer-cum-Licensing Authority, Rohtas at Sasaram.
4. The District Supply Officer, Rohtas at Sasaram.
5. The Block Supply Inspector, Nagar Parishad, Sasaram.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Murari Mishra, Adv.

For the State : Mr. Vishambhar Prasad, Adv.

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**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. Binod Murari Mishra, 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 *vide* order dated 22.07.2020 under the provisions contained in Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (*in short the Control Order of 2016*).

3. Till date, no further sequel action has been taken by the licensing authority.

4. The petitioner has neither been noticed nor any explanation from him has been sought for.

5. The order also does not indicate whether the petitioner has been taken into custody or has gone fugitive.

6. According to the provisions contained in Clause 28 of the Control Order of 2016, the license of the petitioner could be suspended only if a criminal case is instituted against him and the licensee is taken into custody or he goes fugitive.

7. In any view of the matter, under the provisions contained in Clause 28 of the Control Order of 2016, the final order is required to be passed within a



period of 180 days, as far as possible.

8. From the records we find that no notice has yet been served upon the petitioner to explain the charge.

9. Considering the afore-noted aspect of the matter, let a notice be served upon the petitioner forthwith as mandated and provided under Clause 28 of the Control Order of 2016, in terms of the provisions contained in Code of Civil Procedure and an explanation be sought from him.

10. On receipt of such explanation, let a final order be passed by the licensing authority within a period of 180 days at the maximum. The order so passed by the licensing authority shall be a reasoned one. Any breach of the timeline, so suggested, would be viewed seriously.

11. In case the petitioner is aggrieved by the order passed by the licensing authority, he may choose to avail the remedies to which he is entitled under law.



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

(Ashutosh Kumar, J)

( Jitendra Kumar, J)

Praveen-II/-

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