

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11430 of 2021

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Shri Nivas Kumar Son of Mahadev Lal Resident of Village- Sahu Tola, Ward No.- 12, Saidpur, P.S.- Mansi, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Secretary, Food and Civil Supply, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The District Magistrate, Khagaria.
5. The District Supply Officer, Khagaria.
6. The Licensing Authority-cum-Sub-Divisional Officer, Khagaria.
7. The Block Supply Officer, Mansi, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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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 : 30-06-2022

Heard Mr. Manoj Kumar Singh, learned advocate for the petitioner and Mr. Upendra Pratap Singh for the State.

The petitioner, a PDS licensee is aggrieved by the fact that his license has been suspended only on the institution of F.I.R. alleging breach of the provisions of the Essential Commodities Act, 1955.

He submits that under Clause 28 of the Control Order of 2016, license could be suspended in the first instance on the petitioner going fugitive or being taken into custody.

The petitioner has neither gone fugitive nor is in custody.



The beneficiaries attached to the shop of the petitioner have been shifted to another PDS dealer.

The learned counsel for the petitioner submits that in that event, the order of suspension of license of the petitioner be set aside and the license be restored to him.

However, considering the fact that the petitioner has been made accused in a case involving breach of the Essential Commodities Act and his license has been suspended, this Court directs the Licensing Authority to serve upon the petitioner a notice positively within a period of fifteen days and take a final decision in the matter after receiving the reply of the petitioner, within a period of 180 days which period shall start running from the date of receipt/production of a copy of this order before the Licensing Authority.

The Licensing Authority is directed to give sufficient opportunity to the petitioner to represent his cause and he shall provide reasons in support of his order.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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