

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8569 of 2019

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Chandrika Prasad Mandal Son of Nandlal Mandal, Resident of Village- Oriap,
P.S. Antichak, District- Bhagalpur.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Labh
For the Respondent/s	:	Mr.Arvind Ujjwal (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 : 28-09-2022

1. Heard learned counsel for the parties.

2. The licence of the petitioner was initially suspended and later cancelled under Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. The reason for the aforesaid precipitate action was the involvement of the petitioner in a criminal case involving breach of the Essential Commodities Act, 1955.



4. The sole contention of the petitioner is that from the order impugned, it would appear that for want of any explanation offered by the petitioner, his licence has been cancelled. He further contends that no show cause notice was served upon him as contemplated under Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, as during that time the petitioner was in custody.

5. The learned counsel for the petitioner has categorically asserted that even though he was in custody, he was required to be served a show cause notice which has not been served upon him.

6. In that view of the matter, the order canceling the licence of the petitioner cannot be sustained by us.

7. The order of cancellation of licence is, thus, set aside.

8. The Licensing Authority is directed to furnish a fresh show cause notice to the petitioner positively within a period of 30 days of the receipt/production of a copy of this order, giving reasonable time to the petitioner to represent



his cause. On the petitioner filing the show cause reply, the Licensing Authority shall take a final decision in the matter within a period of 90 days thereafter.

9. The aforesaid time line is being provided, keeping in mind that if the right procedure would have been adopted before cancellation of licence, the proceedings would have been concluded within a period of 180 days.

10. The order so passed by the Licensing Authority shall contain reasons in support of the same and the order shall be made available to the petitioner forthwith.

11. With the aforesaid direction/observation, the writ petition is allowed and disposed of, accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

SKM/uttam/-

AFR/NAFR	NAFR
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