

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16554 of 2021

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Lal Bahadur Sah S/o Saburi Sah Resident of Village- Mahisaraho, P.S.-
Mahishi, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar Through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector Saharsa.
3. The Sub-Divisional Officer Sadar, Saharsa.
4. The Block Supply Officer Mahishi, Saharsa.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 06-05-2022 Today also, an adjournment is being sought on behalf of the petitioner. The order-sheet indicates that when the matter was taken up on 25.03.2022, on the request made on behalf of the petitioner, the matter was adjourned to 15.04.2022. Again the matter was taken up on 22.04.2022, on a request made by learned counsel for the petitioner, the case was adjourned to 06.05.2022. Today also, an adjournment is being sought which is rejected.

The petitioner has preferred this writ application seeking quashing of an order dated 02.09.2021, passed by the Sub-



Divisional Officer-cum-Licensing Authority, whereby the petitioner's license to run a PDS shop under the Bihar Targeted Public Distribution System (Control) Order, 2016 ('Control Order, 2016' for short) has been cancelled on the ground of his conviction in a criminal case. Clause 29 of the Control Order, 2016 reads as under:-

“29. Consequence of Conviction. - The license of a licensee convicted by a competent court for violation of an order made under section 3 of the Essential Commodities Act, 1955 or for any other offence shall be cancelled by the licensing authority by a written order :

Provided that if such a conviction is annulled in appeal or revision, the license shall be restored by the licensing authority, if such a licensee within one month from the date on which such a annulment order is passed makes a written representation to the licensing authority with attaching certified copy of such an order and with payment of license fee equal to a new license fee through treasury challan.”

Evidently, before cancellation of the petitioner's license, a show-cause notice was issued to him on 16.08.2021 by the Licensing Authority asking the petitioner to explain as to why his license be not cancelled, consequent upon his conviction in a criminal case. The petitioner has relied on a Division Bench decision of this Court reported in **2014 (2) PLJR 117 (Girani Ram Vs. The State of Bihar)** to contend that since the petitioner's



conviction is not under the provisions of Essential Commodities Act, the order cancelling the petitioner's license is unsustainable.

In our opinion, the said decision of this Court rendered before issuance of Control Order, 2016 does not have any application in the facts and circumstances of the present case. Clause 29 clearly stipulates that license of a licensee convicted by the Competent Authority for violation of an order made under Section 3 of the Essential Commodities Act or for **any other offence** shall be cancelled by the Licensing Authority by a written order. Cancellation of a license, in the Court's opinion, is a consequence of conviction of the licensee for any offence and it is obligatory on the part of the Licensing Authority to cancel license of a licensee who has been convicted of an offence.

In such view of the matter, we do not find any merit in this writ application. This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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