

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.87 of 2022

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Ram Karan Ram son of Late Surat Ram, Resident of Village Pachrukhi, P.S.
Bahu Barhi, District Madhubani.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Madhubani, District-Madhubani.
3. The Sub Divisional Officer, Sadar, Madhubani, District-Madhubani.
4. The Block Supply Officer, Babu Barhi, District-Madhubani.

... .. Respondents.

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Agrawal, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Anisul Haque, AC to AGG-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 22-02-2022 Heard Mr. Alok Kumar Agrawal, learned

Advocate for the petitioner and Mr. Anisul Haque for the

State.

The licence of the petitioner was cancelled vide

order dated 30.09.2020.

It appears from the records that the PDS shop

of the petitioner was inspected on 12.09.2020 and, on

finding some irregularities in the conduct of the business



in the shop, a notice was issued to the petitioner on 14.09.2020, which was responded by him on 03.10.2020. No sequel action was taken thereafter.

It further appears that on the complaint of some other customers, the shop of the petitioner was again inspected on 29th of September, 2020.

Be it noted that before that, an application was filed by the petitioner seeking leave because of some medical trouble in the veins of the petitioner. Shortly after the inspection was made, an F.I.R. was registered against him and the licence was cancelled.

Mr. Agrawal, learned Advocate submits that the order is absolutely unsustainable. At no point of time, the petitioner was ever noticed to explain his cause. The licence of the petitioner was not even suspended after lodging of the first information report.

By the impugned order, a decision has been taken within a day of the lodging of the F.I.R.

The order impugned is absolutely unsustainable



in the eyes of law and is, therefore, set aside. The matter is remitted to the Licensing Authority after giving reasonable opportunity to the petitioner, affording all the documents to him, which he would require for an effective representation, and take final decision in the matter within a period of 60 days from the date of receipt/production of a copy of this order before the Licensing Authority.

With the aforesaid observation and direction, this writ petition stands disposed of.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

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