

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10394 of 2017

Makhan Ram, Son of Bhagirathi Ram Resident of Village- Kehuniya, Police
Station- Shikarpur, District- West Champaran. Petitioner/s
Versus

1. The State Of Bihar
2. The District Magistrate, West Champaran at Bettiah.
3. The District Supply Officer, West- Champaran at Bettiah.
4. The Sub- Divisional Officer, Narkatiaganj District- West Champaran.
5. The Block Supply Officer, Narkatiaganj, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra- Advocate
For the State : Mr. Manoj Kumar- Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

5 10-01-2023 Heard Mr. Sajejev Kumar Mishra for the

petitioner and Mr. Manoj Kumar for the State.

The petitioner has challenged the order of

the Licensing Authority whereby the prayer made on

behalf of the petitioner for restoration of his licence

has been rejected on the ground that criminal case

against him still remains pending for investigation.

There are certain facts which need be



recounted for disposing off this writ petition.

The petitioner is a licensee of 2001 Control Order. His licence was suspended sometimes in the Year 2009 against which he had approached this Court twice and got a direction from this Court to approach the authorities for restoration of his licence.

Be it noted that there was no corresponding provision in 2001 Control Order of suspension of licence in the event of F.I.R. being lodged against a licensee as is available under the 2016 Control Order.

Be that as it may, till date, the licence of the petitioner remains suspended and no final order has been passed.

Mr. Manoj Kumar submits that under the Old Control Order, he was issued notice to explain his cause, but he did not appear, thereby resulting in the continued suspension of the licence of the petitioner.

There is no way in which the cause of the petitioner can be catapulted any further.



For him to have remained a licensee, he was required to have it converted under the 2016 Control Order, which he could not because of his licence remaining suspended for all this while.

For the present, even if his application is allowed and the matter is remanded to the Licensing Authority or he is asked to approach the Appellate Authority for the needful, it would fetch no relief to him as his licence will have to be converted under the 2016 Control Order for which the time has hopelessly elapsed.

Considering this aspect of the matter, we are not inclined to interfere with the order passed by the Licensing Authority.

Should the petitioner so desire, he may take recourse to other remedies, if available to him.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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