

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9853 of 2022

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Yamuna Yadav Son of Late Mango Yadav , Resident of Village-Mahkar,
Police Station-Roh, Block-Roh, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection Affairs, Government of Bihar, Patna.
2. The District Magistrate, Nawadah.
3. The Sub Divisional Officer-Cum-Licensing Authority, Rajauli, District-Nawadah.
4. The Block Supply Officer, Roh, District-Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 17-01-2023

Heard Mr. Arun Kumar, the learned Advocate
for the petitioner and Mr. Upendra Pratap Singh, the
learned counsel for the State.

The petitioner has challenged the order dated
26.07.2021, passed by the Licensing Authority, cancelling
the license of the petitioner.

The impugned order reflects that for the
petitioner having been made accused in a criminal case,



his license was suspended and notice was served upon him to explain his cause. However, no reply was filed to such notice and hence the Licensing Authority was left with no other alternative but to cancel the license of the petitioner.

Mr. Kumar, however, has submitted that after the lodging of the criminal case, the petitioner was taken into custody and he was never served with any notice in any proceeding towards suspension or cancellation of his license. He further submits that in accordance with Section 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, only in the event of the petitioner going fugitive, the license is required to be suspended and then notice to be served upon him in accordance with the provisions contained in C.P.C. and, thereafter, on return of the rule, an order has to be passed within a period of 180 days, as far as possible.

In the present case, Mr. Kumar contends that he was never served any notice.

This Court would not be in a position to decide which of the two conflicting statements on oath is correct



and, therefore, the safest way out would be to provide one opportunity to the petitioner, without restoring his license, to agitate his cause before the Licensing Authority.

Now that the petitioner has filed this petition, he is aware that he has to reply to the notice, which shall be served upon him.

On the petitioner presenting this order of the Court before the concerned Licensing Authority within a period of 15 days, a notice shall be served upon the petitioner, giving him reasonable time to explain his cause.

After the reply is filed, the Licensing Authority shall advert to the same and pass a final order, giving reasons in support of the conclusions arrived at by him.

The entire exercise shall be concluded within a period of 90 days from the date of issuance of fresh notice to the petitioner.

We have fixed the time schedule, keeping in mind that already more than a year has passed when the targeted beneficiaries attached to the shop of the petitioner have remained attached to another P.D.S. shop.



The writ petition stands allowed and disposed
of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

Harsh/Sunil-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

