

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11644 of 2022

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Lalit Rishi, S/o Late Kirtu Rishi, Resident of Village - Jonahari Kothi, Tola Begumpur, Panchayat - Hansi Begumpur, Block Jalalgarh, P.S. Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Purnea.
3. The SDO, Sadar, Purnea.
4. The Block Supply Officer, Jalalgarh, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand- Advocate
For the State : Mr. Alok Ranjan- Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 16-01-2023 Heard Mr. Vijay Anand for the petitioner and

Mr. Alok Ranjan for the State.

The license of the petitioner has been suspended vide order dated 15.04.2020 contained in Memo No.335 by the Licensing Authority, namely, Sub-divisional Officer, Purnea on the ground of petitioner having been made accused in a criminal case involving breach of the provisions of the E. C. Act, 1955.



The petitioner grieves that notwithstanding such order having been passed in the Year 2020, no notice has been served upon the petitioner to explain his cause and therefore, no final order has been passed in such proceeding.

The requirement under the law is that the petitioner ought to be given a notice for explaining his cause whereafter, the Licensing Authorities is to take a decision within a period of 180 days, as far as possible, after adverting to the reply of the notice.

We cannot countenance such a situation when a license shall remain suspended and no final order is passed for a long time and that also without any reason.

The petitioner is ready to accept and respond to the notice, if issued to him to explain his cause.

Under the aforesaid circumstances, we direct the Licensing Authority to issue notice to the petitioner within a period of 15 days from the date of receipt/production of a copy of this order, which shall be



accepted by him and shall also be responded within a period 15 days of his receipt of such notice whereafter, the Licensing Authority shall take a decision within a period of 60 days, after taking into account the explanation of the petitioner against the accusation and giving reasons for the conclusions arrived at by him.

The petition stands disposed off.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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