

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3782 of 2024

Sanjiv Kumar, aged about 54 years (Male), Son of Late Ganesh Prasad Yadav
@ Ganesh Yadav, Resident of Village-Kajhiya, P.S. Banka, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Collector, Banka.
4. The S.D.O. (Supply), Banka.
5. The Block Supply Officer, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Adv.

For the Respondent/s : Mr. Standing Counsel (8).

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 23-07-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“... for issuance of an appropriate writ, order or direction for quashing the order dated 19.12.2023 at Annexure-6 passed in Revision Case No. 32/2022-23 by the Commissioner, Bhagalpur Division, Bhagalpur; order dated 24.06.2022 at Annexure-5 passed by the Collector, Banka in Misc. Appeal (Supply) Case No. 6/22-23 and order dated 14.05.2022 passed by the S.D.O. Banka at Annexure-4 by which S.D.O. Banka has cancelled the P.D.S. License of petitioner and Collector, Banka



rejected the appeal of the petitioner and commissioner, Bhagalpur Division, Bhagalpur has ordered to keep the Revision of petitioner pending till the disposal of Criminal Case i.e. Banka P.S. Case No. 55/2022 dated 28.01.2022 pending against the petitioner.”

3. Learned counsel for the petitioner has stated that license of the petitioner has been cancelled on the ground that an F.I.R. has been lodged by the Sub-Divisional Officer. Learned counsel has stated that though the petitioner has preferred an appeal before the District Magistrate, the same was rejected and aggrieved by the same he has preferred revision before the Divisional Commissioner. However, the Divisional Commissioner vide order dated 19.12.2023 has kept the matter pending on the ground that the criminal case is pending against the petitioner. Learned counsel has stated that the criminal case may take years together as till date the charge-sheet has not been filed. Learned counsel has relied on the Judgment of this Court passed in CWJC No. 8168 of 2023 dated 02.11.2023 wherein this Court relying on the Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 and also the decision of this Hon'ble Court in Umesh Ram Vs. The State of Bihar and others reported in AIR 2014 Patna 113 by which the order of cancellation has been quashed.



4. Having regard to the above, the impugned order dated 19.12.2023 passed by the Divisional Commissioner, Bhagalpur Division, Bhagalpur is set aside and the matter remanded back to the Divisional Commissioner for passing appropriate orders, the Divisional Commissioner shall take into consideration the Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 and also the order passed by this Hon'ble Court in Umesh Ram Vs. The State of Bihar and others and pass an order as expeditiously as possible preferably within a period of four weeks from the date of the receipt of this order.

5. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. Any order passed shall be communicated to the party.

6. With the above observation, the present Writ Petition stands disposed of to the extent indicated.

(A. Abhishek Reddy, J)

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