

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3783 of 2024

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Kailash Harijan, aged about 50 years (Male), Son of Thuthu Das @ Thuthu Harijan, Resident of Village-Kabli, 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 Sub Divisional Officer, Banka.
5. The Block Supply Officer, Banka.

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Standing Counsel (7).

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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 22.11.2023 at Annexure-6 passed by the Commissioner, Bhagalpur Division, Bhagalpur; order dated 16.06.2023 at Annexure-5 passed in Appeal Case No. 60/2022-23 by the Collector, Banka and order No. 1093 dated 30.12.2022 at Annexure-4 passed the S.D.O. Banka by which P.D.S. License of the petitioner has been cancelled by the SDO Banka and Collector, Banka and the Commissioner,



Bhagalpur have affirmed the order of SDO, Banka. ”

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 22.11.2023 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 22.11.2023 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 case of 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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