

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6366 of 2012



Sher Mohammad Son Of Mukhtar Mian Resident Of Village- Singahi, P.S.
- Manjhi, Distt.- Saran

.... Petitioner

Versus

1. The State Of Bihar
2. The Collector, Saran At Chapra
3. The Sub Divisional Officer, Sadar, Saran At Chapra
4. The Block Supply Officer, Manjhi, Saran

.... Respondents

Appearance :

For the Petitioner : M/s N.K. Agrawal, Sr. Advocate &
D. N. Tiwari, Advocate

For the Respondents : Mr. Md. Irshad, Advocate

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL ORDER

2 29-06-2012 Heard learned counsel for the petitioner and the State.

2. Petitioner is a PDS dealer. His licence has been cancelled by the Licensing Authority under Memo No. 43 dated 20.10.2011, Annexure-1 on the ground that he is an accused in a criminal case.

3. It is submitted on behalf of the petitioner that

aforesaid order cancelling the licence on the ground of petitioner being an accused in a criminal case was passed without even giving him notice to explain the circumstances in which a false criminal case has been registered and on the date of institution of the criminal case, there was no requirement under the Licensing Order to cancel the licence of a PDS dealer on the ground that he is an accused in a criminal case.

4. Aforesaid aspect of the matter can be better appreciated if petitioner assails the order dated 20.10.2011, Annexure-1 before the Appellate Authority.

5. Accordingly, the writ petition is disposed of directing the petitioner to approach the Appellate Authority i.e. Collector, Saran at Chapra, who shall consider the appeal filed by the petitioner within a reasonable time, not exceeding two months from the date of receipt of the memo of appeal.

(V.N. Sinha, J)

Arjun/-