

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (C) No. 4212 of 2012

Ramani Ranjan Mahatha Petitioner

Versus

1.The State of Jharkhand
2.The Sub Divisional Officer, Chas, Bokaro
3.The Deputy Commissioner, Bokaro, Jharkhand Respondents

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Prabhu Dayal Agrawal, Advocate
For the Respondents : Mr. Atanu Banerjee, Sr. S. C. III

5/28.06.2019 Heard Mr. P. D. Agrawal, learned counsel for the petitioner and
Mr. Atanu Banerjee, learned Sr. S. C. III for the State.

The prayer in this writ application is for quashing of the order dated 23.05.2012 passed by the respondent no. 2 by which the Trade licence granted to the petitioner under the Bihar Trade Articles (Licence Unification) Order, 1984 has been cancelled.

It has been stated that no inquiry was conducted by any competent authority and since there has been violation of principles of natural justice, the impugned order dated 23.05.2012 deserves to be quashed and set aside. Learned counsel for the petitioner also refers to the order passed in W.P.(C) No. 4327 of 2012 in which the matter was remanded back to the S.D.O. to make a fresh inquiry after giving an opportunity of hearing to the petitioner. However, it has been submitted that Bihar Trade Articles (Licence Unification) Order, 1984 ceased to exist and therefore, the petitioner could not have been proceeded against for cancellation of the licence.

At this Mr. Atanu Banerjee, learned Sr.S.C. III submits that the petitioner has a statutory remedy of appeal under Clause 28 of the Bihar Trade Articles (Licence Unification) Order, 1984. He further submits that an inspection was conducted pursuant to which a show-cause notice was issued to the petitioner and on consideration of the show-cause notice, the impugned order dated 23.05.2012 had been passed.

It appears from the perusal of the submissions advanced by the learned counsel for the parties that, the petitioner was granted a licence under Bihar Trade Articles (Licence Unification) Order, 1984 being Licence No. 2 of 2000 by the respondent no. 2. A show-cause notice was issued on 03.05.2012 on the basis of an inspection asking the petitioner to show-cause as to why his licence be not cancelled to which the petitioner duly replied on 14.05.2012 in which various reasons has been given by the petitioner. Subsequently, vide order dated 23.05.2012, the licence of the petitioner was cancelled.

From perusal of the show-cause notice dated 03.05.2012 it appears that, indeed an inquiry was carried out and certain irregularities were found and the same led to issuance of show-cause notice. However, in view of the alternative remedy available to the petitioner in terms of Bihar Trade Articles (Licence Unification) Order, 1984, I am not inclined to express any opinion with respect to the show-cause submitted by the petitioner. Petitioner is at liberty to avail of the alternative remedy by preferring an appeal. If such appeal is preferred by the petitioner along with an application for condonation of delay, the respondent no. 3 shall appropriately consider the said application taking into view the fact that the petitioner had chosen a wrong forum by approaching this Court against the impugned order of respondent no. 2.

This writ application stands disposed of.

(Rongon Mukhopadhyay, J)