
(1988) 02 PAT CK 0012
In the Patna High Court
Case No : C.W.J.C. No. 3704 of 1982

M/s Udmi Ram Jwala Prasad	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 13-02-1988

Acts Referred:

Citation : (1989) PLJR 957

Hon'ble Judges : S.B. Sinha, J

Bench : Single Bench

Advocate : Navaniti Pd. Singh and Ramesh Kr. Agrawal, for the Appellant; S. Hoda and Farooque Moozam, for the Respondent

Final Decision : Dismissed

Judgement

S.B. Sinha, J.—In this writ petition the petitioner has prayed for issuance of an appropriate writ for quashing the order dated 16.7.82 passed by the District Supply Officer, Begusaral and as contained in Annexure 2 to the writ petition. By reason of the above mentioned order the Wholesales Foodgrain's licence of the petitioner was cancelled.

2. Mr. Navaniti Pd. Singh, learned counsel appearing on behalf of the petitioner submitted that the aforementioned order was issued without giving an opportunity of hearing to the petitioner.

3. In the counter affidavit filed on behalf of the respondents it has been mentioned that the Supply Officer had issued a notice to show cause upon the petitioner on 13.5.82 and as the petitioner violated the levy order the above mentioned impugned order as contained in Annexure "2" to the writ petition was passed. From the counter-affidavit itself it is evident that no show cause notice was issued by the Licensing Authority, However it is a common ground that Bihar Foodgrains Licence Order, 1967 under, which the above mentioned licence was granted to the petitioner stands repealed by reason of the provisions of Bihar Trade Articles (Licences Unification) Order, 1984.

4. It is also a common ground that a trader may carry on business only after obtaining a licence under the said order. In this situation, in my opinion this writ petition has become infructuous.

5. However it is directed that in the event the petitioner applies for grant of licence under the aforementioned Trade Articles (Licences Unification) Order, 1984 (if a licence thereunder has already not been granted) the same shall be considered on its own merit by the licensing authority without being any way prejudiced by the order as contained in Annexure "V to the writ petition. With the aforementioned observation this writ petition is disposed of but without any order as to costs.