

(1995) 09 PAT CK 0040
In the Patna High Court
Case No : C.W.J.C. No. 1511 of 1995 (R)

Sanjay Kumar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 01-09-1995

Acts Referred:

Citation : (1996) 2 PLJR 53

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Gurusharan Sharma, J.—Heard learned Counsel for the Petitioner and learned Government Advocate.

2. This petition is directed against the order dated 2.6.1995 purporting to cancel the license granted to the Petitioner under the Bihar Trade Articles (Licenses Unification) Order, 1984.

3. The allegation against the Petitioner is that on 17.5.1995 at around 11.20 A.M. when the Additional District Supply Officer, Chas (Respondent No. 3 visited the fair-price shop of the Petitioner, the shop was found closed although as per the direction, the shop was to remain open on that day. In response to notice to show-cause, the Petitioner submitted reply stating reason for keeping his fair-price shop closed on the said date. However, his license was cancelled by the impugned order.

4. Without going into the merit of the case, we are of the view that for simple fact of keeping the shop closed for a day, the cancellation of license of the Petitioner is too harsh and arbitrary and as such cannot be sustained. Had it been a case that the Petitioner was habitually keeping his fair-price shop closed, which, in turn, caused sufferings to the customers, that might have justified the impugned order canceling his license.

5. That being so this petition is allowed and the impugned order dated 2.6.1995 (Annexure 5) is quashed and Respondent No. 3 is directed to restore the license of the Petitioner.