

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8523 of 2015

=====

Girija Rajak Son of Late Munni Lal Rajak resident of village - Khaneta,
P.S. Belaganj, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Food and Civil Supplies Department, Government of Bihar, Patna
3. The District Magistrate, Gaya
4. The Sub - Divisional officer, Gaya Sadar, District Gaya, Bihar
5. The Block Development officer, Block Belaganj, District Gaya, Bihar

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Thakur Jai Singh, AC to SC-26

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner and the State.

Through this writ application, the petitioner seeks quashing of the order dated 31.01.2011 passed by the Sub-Divisional Officer, Gaya Sadar, Gaya as contained in Annexure-2 by which his P.D.S. Licence No.45/2007 has been suspended in view of the institution of Belaganj P.S. Case No.226 of 2010 under Section 7 of Essential Commodities Act.

It is contended that this provision has been deleted subsequently by amendment brought in the Public Distribution System (Control) Order, 2001 which was effective on 23.06.2011, however, this order was passed prior to such amendment. Learned

counsel submits that even if it is assumed that at that point of time the licensing authority was empowered to suspend licence on such ground, however, even under the old provision contained in Clause 7 (iii) of the Control Order, the life of such suspension was till the finalization of the concerned criminal case. The petitioner has filed supplementary affidavit appending therewith a judgment dated 23.01.2016 passed in Trial No.1131/16 in which he has been acquitted of the charges.

Having regards to the aforementioned facts and circumstances of the case, the Licensing Authority is directed to look into the matter and if he is satisfied that the petitioner has been acquitted of the charges then the supplies would have to be restored immediately in favour of the petitioner as the life of order of suspension is only till the finalization of the concerned criminal case.

Let such decision be taken within a period of four weeks from the date of receipt/production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

U			
---	--	--	--