

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22064 of 2014

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Smt. Nimosi Devi wife of Binod Lal Harijan resident of village Natwapara, Police
Station Bahadurganj, Distt. Kishanganj.

.... Petitioner

Versus

1. The State of Bihar.
2. The Sub Divisional Officer, Kishanganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Firoz Ahmad, Advocate

For the Respondents : Mr. Asit Kumar Jha, AC to GP 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 24-11-2016

Heard parties.

Petitioner's licence has been suspended vice Annexure 1
dated 18.11.2008 under Clause 7(iii) of the P.D.S. (Control) Order,
2001 on the ground that a Vigilance Case No. 86/2008 has been
registered against about 14 persons including the petitioner.

In my considered opinion, Clause 7(iii) of the P.D.S.
(Control) Order, 2001, before its amendment enforced on 23rd June,
2011 indicated in clear term that licence should remain suspended
till the criminal case lodged under the provisions of the Essential
Commodities Act attains its finality before the court of law. However,
in the present case admittedly no case has been registered under any
provision of Essential Commodities Act rather a vigilance case has



been lodged. Thus, the case of the petitioner was not covered under Clause 7 (iii) of the P.D.S. (Control) Order, 2001.

That apart, the aforesaid provisions contained in Clause 7(iii) of the P.D.S. (Control) Order, 2001 and in fact the provision of suspension itself stood deleted after amendment brought in the P.D.S. (Control) Order which was made effective from 23rd of June, 2011.

Learned counsel for the State could not point out from the counter affidavit filed on behalf of the respondent no. 2 that the aforesaid issue has been answered.

Having regards to the aforesaid facts and circumstances, the order of suspension is not at all tenable in eye of law and, accordingly, the same is quashed and set aside. The petitioner would be entitled for immediate resumption of supply.

This writ application stands allowed.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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