

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.2607 of 2015**

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Yugal Chaudhary @ Yugal Kishor Chaudhary, Son of Late Sona Chaudhary,  
Resident of Village - Muradpur Hujara, P.O- Baidrabad, P.S and District - Arwal.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department , Old Secreetariat, Patna.
2. The Collector, Arwal, District - Arwal.
3. The Sub-Divisional Officer, Arwal, District - Arwal.
4. The Block Development Officer, Arwal, District - Arwal.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate  
For the State : Mr. Anuj Kumar, A.C. to G.P. 24

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 25-10-2016**

Heard parties.

The petitioner's allocation, without passing any order, has been suspended and his PDS licence has been attached with some other dealers.

It is contended on behalf of the petitioner that as per the statutory provision contained in Clause 7(vi) of the Public Distribution System (Control) Order, 2001, the allocation to PDS dealers shall not be discontinued under any circumstance save and except cancellation of licence. In case of cancellation of licence, allocation to a PDS dealer should be tagged to the nearest PDS dealer.

In the present case, though first information report has

been lodged against the petitioner under Section 406 of the I.P.C. but unless there is an order of cancellation in view of the provision contained in Clause 7(vi) of the Public Distribution System (Control) Order, 2001, his allocation cannot be discontinued.

It is contended on behalf of the State that petitioner was in jail and since he could not run his shop, that was allocated with other dealer.

However, in case the petitioner has been granted bail by a Court and he is available for running the shop then, unless there is cancellation order, the supplies have to continue.

Accordingly, this writ application stands allowed with a direction to immediately resume supplies to the petitioner if he is available to run his shop.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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