

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6025 of 2017

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Shambhu Lal Prasad @ Shambhu Lal Sah, S/o Late Chaturi Sah, R/v - Benipur,
P.S. Keshariya, Distt. - East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The District Magistrate, East Champaran, Motihari
3. The S.D.O., Chakiya, East Champaran, Motihari
4. The Block Development Officer Cum Block Supply Officer, Keshariya, East Champaran, Motihari
5. The Sub - Divisional Welfare Officer, Chakiya, East Champaran, Motihari
6. The Officer in Charge of Kesariya Police Station, Chakiya, East Champaran, Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Respondent/s : Mr. S.Raza Ahmad-AAG5

Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-09-2017

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is challenging the order dated
9.7.2016 passed by the S.D.O., Chakiya, East Champaran, Motihari,
whereby and whereunder, the license of the petitioner has been
suspended on the ground of criminal case lodged against him taking
recourse to Clause 28 of the Bihar Targeted Public Distribution
System (Control) Order, 2016 but mere lodging of a criminal case is
not sufficient, it must be followed by either of the two conditions such
as, if the petitioner has been put behind the bar or has been declared
fugitive but, neither one of the aforesaid two conditions is satisfied in



the present case.

Inasmuch as, Clause 28 of the aforesaid Control Order, 2016 itself provides the period of 180 days within which the authority has to take action but, more than one year has already been passed, thus the purpose of suspension is satisfied, as suspension order cannot operate for indefinite period but, the authority has to decide one way or the other within a period prescribed under Clause 28 of the Control Order, 2016. In the event the authority has not done anything except putting the license under suspension and, that too, either of condition is not satisfied, this Court has no other alternative remedy but, to quash the order contained in Memo No. 113 dated 9.7.2016.

Accordingly, the letter contained in Memo No. 113 dated 9.7.2016 is quashed with a liberty to the Authority, if so advised, may take action in terms of the Control Order, 2016.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2017
Transmission Date	NA

