IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7162 of 2017

==========

Laxman Sah, S/o Sri Sahdeo Sah, Resident of Village - Biswanathpur, Panchayat- Rasalpur, P.S. Dumra, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Sub-Divisional Officer, Sadar, Sitamarhi.
4. The Block Supply Inspector, Dumra, District- Sitamarhi.

.... Respondents

==========

Appearance :
For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondents : Mr. Arvind Ujjwal-SC4

==========

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 24-11-2017

The present writ petition has been filed for quashing of the order contained in memo no. 417/Aa dated 21.10.2016 passed by learned Sub-Divisional Officer, Sadar Sitamarhi by which the PDS licence of the petitioner being license no. 46/2007 has been suspended.

2. Learned counsel for the petitioner submits that the licence of the petitioner, who is a PDS dealer, has been suspended only on the basis of the first information report instituted as Dumra P.S. Case No. 256 of 2016. It is submitted that the conditions for suspension of the licence in terms of Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 are not satisfied as the petitioner is neither behind the bar nor he is fugitive. The petitioner relies upon the order dated 07.03.2017 passed by the Coordinate

WEB COPY

Bench of this Court in CWJC No. 16733 of 2016 in which the order of suspension of licence was quashed for similar reasons.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of the grievance of the petitioner and in view of the order dated 07.03.2017 passed by this Court in CWJC No. 16733 of 2016 in similar circumstances, the impugned order contained in memo no. 417/Aa dated 21.10.2016 passed by learned Sub-Divisional Officer, Sadar Sitamarhi (Annexure-3) is hereby quashed. The writ petition stands allowed.

5. Needless to say, the supply of the articles in terms of the Bihar Targeted Public Distribution System (Control) Order, 2016 shall be restored to the petitioner without delay.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.11.2017
Transmission Date	N.A.

WEB COPY