

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9299 of 2018

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Ram Prakash Sah Son of late Anandi Sah Resident of Village- Pakrail, P.S.
Maheshkhunt, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Khagaria.
3. The Sub Divisional Officer, Sub-Division-Gogri, District- Khagaria.
4. The Block Supply Officer, Block- Gori Cum Block Development Officer, Gogri,
District- Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mrs. Sushmita Mishra, Advocate.

For the Respondents : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-06-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

“(i) For the issuance of a rule in the nature of writ of
certiorari for quashing the order dated 11.04.2018
passed by respondent no. 3, the Sub-Divisional Officer,
Gogri contained in memo No. 169 whereby and
wherunder the Public Distribution System Licence no.
42G/07 of the petitioner has been suspended on the
ground of institution of Maheshkhunt P.S. Case o. 42/18
dated 06.04.2018.

(ii) For the issuance of a rule in the nature of writ of



Mandamus commanding the respondents to follow the provisions of Bihar Targeted Public Distribution System Control Order, 2016 (For short, "the T.P.D.S. Order") in a just and proper manner."

3. Learned counsel for the petitioner invites attention to the impugned order dated 11.04.2018 according to which the petitioner's PDS license has been suspended on the ground that an F.I.R. bearing Maheshkhunt P.S. Case No. 42 of 2018 has been instituted against him under Section 7 of the Essential Commodities Act. It is submitted that such action is wholly contrary to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, which provision reads as follows:

"28. Actions to be taken against a licensee after a F.I.R. lodged.- If an F.I.R. is lodged against a licensee under the Essential Commodities Act, 1955 or for any other criminal cases and he is sent to jail or he goes fugitive, his license shall be suspended by the licensing authority with immediate effect, and after serving show cause notice upon him in accordance with Civil Procedure Code and giving him sufficient opportunity to present his case, a lawful action shall be taken within 180 days, as far as possible."

4. It is pointed out that even though the order of suspension has been passed as far back as on 11.04.2018, no show cause notice thereafter for taking any lawful action against the



petitioner has been served even after lapse of more than 180 days, as contemplated under Rule 28 aforesaid.

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

6. In the above matter, the writ petition stands allowed and the impugned order of suspension dated 11.04.2018 (Annexure-1) is hereby quashed.

7. Supplies to the petitioner shall be restored without delay.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.06.2018
Transmission Date	N.A.

