

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5729 of 2018

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Tanu Singh Chairman of Dhenumi PACS, son of late Ram Ekbal Singh, resident of Village and Post- Dhenuki, P.S. Panapur, District- Saran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Saran, District- Saran.
3. The Sub-Divisional Officer, Madhaura, Sarna, District- Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-04-2018

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

2. The present writ petition has been filed for quashing the order passed by the Sub-Divisional Officer, Madhaura, Saran vide Memo No. 1420 dated 18.08.2017.

3. It is submitted that the petitioner's PDS shop bearing no. 05/P/11 has been tagged with another PDS shop dealer namely Renuka Devi bearing licence no. 54/16 on the sole ground that an F.I.R. under Section 7 of the E.C. Act has been lodged against the petitioner. It is submitted that such action is wholly arbitrary and there is no provision for tagging a PDS shop without suspension of the licence as done in the present case.

4. Learned counsel for the respondents appears and has



been heard.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A bare perusal of the impugned order dated 18.08.2017 discloses that merely for the reason that an F.I.R. has been instituted against the petitioner his PDS shop is directed to be tagged with another PDS shop without however suspending his licence. Learned counsel for the respondents has not been able to point out any provision to justify such action.

6. In the above view of the matter, the impugned order 18.08.2017 is hereby quashed and the writ petition stands allowed. Supplies to the petitioner shall be restored without delay.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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