

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8175 of 2018

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Kiran Devi Wife of Laddulal Ram, Resident of Village-Naradpur, P.S. Beldaur,
District Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The District Supply Officer, Khagaria.
4. The Sub-Divisional Officer, Gogri District Khagaria.
5. The Block Supply Officer, Beldaur, District Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Praveen Kumar Agrawal, Advocate

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-05-2018

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

2. The present writ application has been filed for the
following reliefs:-

“(i) That this is an application for issuance of an appropriate writ, order or direction, quashing the order contained in memo no. 2683 dated 31.10.2017 passed by the S.D.O., Gogri whereby the P.D.S. license of petitioner bearing No. 1/B/2009 has been cancelled on the ground of institution of criminal case under section 7 of the E.C. Act.

(ii) Further direct the respondents to restore supply of goods to the petitioner’s shop.



(iii) And for any other relief(s) for which the petitioner is found to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the license of the petitioner, who is a PDS dealer, has been cancelled only on the basis of the first information report instituted as Beldaur P.S. Case No. 209 of 2017. It is submitted that the conditions for suspension of the license in terms of Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 are not satisfied as the petitioner is neither behind bars nor is he a fugitive. The petitioner relies upon the order dated 07.03.2017 passed by a coordinate Bench of this Court in CWJC No. 16733 of 2016 in which the order of suspension of license was quashed for similar reasons.

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

5. 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 C.W.J.C. No. 16733 of 2016 in similar circumstances, the impugned order contained in Memo No. 2683 dated 31.10.2017 passed by learned Sub-Divisional Officer, Gogri, District- Khagaria (respondent no. 4) is hereby quashed.

6. The writ petition stands allowed. Needless to say, 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.
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