

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17478 of 2017

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Ganesh Kumar Yadav, Son of Ram Sevak Yadav, Resident of Village-Bhagwatipur, P.S.-Ladania, District-madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar State Co-operative Society Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited Patna.
3. The Joint Secretary, Govt. of Bihar, Patna.
4. The District Magistrate, Madhubani,
5. The District Co-Operative Officer, Madhubani.
6. The District Supply Officer, Madhubani.
7. The District Manager, State Food Corporation Ltd. Madhubani.
8. The Sub-Divisional Officer, (Supaul) Jai Nagar Madhubani.
9. The Block Supply Officer Ladania, Madhubani.
10. The Manager Food & Civil Supply, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.N.Tiwary,
Mr. Gagan Deo Yadav, Advocates
For the Respondent/s : Mr. Rakesh Ranjan, AC to GP22
For the BSFC : Mr. Shailendra Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-04-2018

The present writ petition has been filed for quashing of the order contained in memo no. 116 dated 08.08.2016 passed by learned Sub-Divisional Officer, Jaynagar by which the PDS licence of the petitioner being licence no. 2/2011 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 Ladania P.S. Case No. 82 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 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. 116 dated 08.08.2016 passed by learned Sub-Divisional Officer, Jaynagar (Annexure-4) 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.04.2018
Transmission Date	NA

