

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17284 of 2017

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Bijendra Kumar @ Bijendra Kumar Singh, S/o Nandji Singh, Resident of
Village-Bajaruaha, P.S.-Udwant Nagar, District -Bhojpur (Ara), Bihar.

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate cum Collector, Bhojpur (Ara).
3. The Sub-Divisional Officer, Sadar Arra.
4. The District Supply Officer, District-Bhojpur (Arra).
5. The Block Supply Inspector, Udwant Nagar, District -Bhojpur, Ara.
6. The Block Supply Officer, Udwant Nagar, District -Bhojpur, Ara.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ramesh Kr. Agrawal,
Mr. Ranjit Kumar, Advocates

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

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

2. The present writ petition has been filed for quashing
the order contained in Memo No. 5013 dated 13.07.2017 issued by
respondent no. 3, whereby and whereunder the licence no. 36/07 of
the petitioner for Public Distribution System for Gram Panchayat
Piyania in Udwant Nagar Block in the District of Bhojpur has been
suspended; and for a direction to the respondents to restore the license
of the Public Distribution System of the petitioner with immediate
effect.

3. Learned counsel for the petitioner invites attention to the



impugned order dated 13.07.2017 according to which the petitioner's PDS license has been suspended on the ground that an F.I.R. bearing Udwantnagar P.S. Case No. 184 of 2017 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 13.07.2017, 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 13.07.2017 (Annexure-1) is hereby quashed.



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

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.02.2018
Transmission Date	N.A.

