

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7049 of 2018

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Naresh Prasad Mahto Alias Naresh Mahto, Son of Laxman Mahto, Resident of
Village- Kari Kado, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, Bhagalpur.
3. The District Supply Officer, Bhagalpur.
4. The Sub-Divisional Officer, Kahalgaon, District- Bhagalpur.
5. The Block Supply Officer, Kahalgaon, Distt- Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Tarun Prasad Mandal, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-04-2018

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

2. The present writ petition has been filed for quashing
the order contained in Memo No. 546 dated 28.12.2015 issued by the
Sub-Divisional Officer, Kahalgaon (respondent no. 4) whereby the
P.D.S. license of the petitioner bearing Licence No. 8/93 has been
cancelled.

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 Kahalgaon
(Shivnarayanpur) P.S. Case No. 531 of 2015. 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. 546 dated 28.12.2015 passed by learned Sub-Divisional Officer, Kahalgaon, District- Bhagalpur (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)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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