

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2972 of 2018

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Sanjay Yadav, Son of Fulkant Yadav, Resident of Village- Gopalpur, P.S.-
Bakhtiyarpur, O.P. Balwahat, District- Saharsa, PACS Manager of Baghwa
Panchayat Simari, Bakhtiyarpur, Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old
Secretariat Patna.
2. The Sub Divisional Officer, Simari Bakhtiyarpur, Saharsa.
3. The Block Supply Officer, Simari Bakhtiyarpur, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

The present writ petition has been filed for quashing of the
order contained in memo no. 1506-2 dated 20.10.2017 passed by learned
Sub-Divisional Officer, Simari, Bhakhtiyarpur, Saharsa by which the PDS
licence of the petitioner being license no. 193/2001 (old) 87/2016 (new)
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 Bakhtiyarpur P.S. Case No. 374/2017. 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. 1506-2 dated 20.10.2017 passed by learned Sub-Divisional Officer, Simari, Bhakhtiyarpur, Saharsa (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	17.05.2018
Transmission Date	NA

