

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1983 of 2018

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Vikesh Kumar Singh Son of Late Sachidanand Singh, Resident of Village-Bhaluhi Rasul, P.S.-Sahebganj, District-Muzaffarpur, P.D.S. Dealer Panchayat-Visunpur Patti, Block-Sahebganj, District-Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. Sub-Divisional Magistrate, West Muzaffarpur
3. Block Supply Officer, Sahebganj.

.... Respondent

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Appearance :

For the Petitioner : Mr. Shankar Kishore Shahi, Advocate

For the Respondents : Mr. Arvind Ujjwal SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-05-2018

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

2. The present writ petition has been filed for quashing the order dated 16.08.2017 (Annexure-1) passed by the Sub Divisional Officer, West, Muzaffarpur vide Memo No. 996 dated 16.08.2017 by which the PDS licence of the petitioner has been suspended; and for connected reliefs.

3. Learned counsel for the petitioner invites attention to the impugned order dated 16.08.2017 according to which the petitioner's PDS licence has been suspended on the ground that an FIR under Section 302/34 of the Indian Penal Code, being Sahebganj P.S. Case No. 205/2017 has been instituted against him. The petitioner was arrested



and taken into custody since 29.07.2017, but he was granted bail by the learned Sessions Judge, Muzaffarpur by order dated 24.08.2017 in B.P. No. 1498 of 2017.

4. It is submitted that even though the impugned order of suspension was passed as far back as on 16.08.2017 and a show cause notice has been issued thereafter on 03.10.2017 (Annexure-6), no further order taking any lawful action against him or cancelling his PDS licence has been served even after lapse of more than 180 days, as contemplated under Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 which provision reads as under –

“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.”

5. Learned counsel for the respondents appears and has been heard. No counter affidavit has been filed so far controverting the stand of the petitioner.

6. In the above view of the matter and considering that the statutory time for taking action consequent upon suspension of the



licence has long since elapsed, the writ petition stands allowed and the impugned order of suspension dated 16.08.2017 (Annexure-1) is hereby quashed. Supplies to the petitioner shall be restored without delay.

7. It is made clear that in case the stand of the petitioner that no further order after suspension of his licence has been passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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