

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10951 of 2018**

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Shankar Narayan Jha, Son of Late Chandra Narayan Jha, Resident of Village and Post- Amaithi, P.S.- Bahera, District- Darbhanga.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Darbhanga, District- Darbhanga.
3. The Sub-Divisional Officer, Benipur, District- Darbhanga.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. Alok Ranjan, AC to AAG5

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 26-06-2018**

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 passed by the Sub-Divisional Officer, Benipur vide Memo No. 175 dated 12/10/2017 whereby and whereunder consumers of the suspended petitioner's P.D.S. shop has been tagged with another P.D.S. shop dealer namely Sri Uday Chandra Jha in the same Panchayat of Devram Amaithi only in the light of order dated 12/10/2017 passed in Official Case No. 03 by which license of the petitioner's P.D.S. shop has been suspended; and further for direction to the licensing authority to restore the consumers of the petitioner's shop as before and to make the allotment for the same.



3. Learned counsel for the petitioner submits that the period of 180 days has already expired since the order of suspension was passed and hence is no longer in force. As such, the impugned order dated 12.10.2017 (Annexure-1) by which the petitioner's PDS shop has been tagged with another dealer can no longer be sustained and is liable to be set aside. Once the suspension order has lost its force by efflux of time, there is no reason why the petitioner's PDS shop should continue to be tagged with another PDS dealer.

4. In the above view of the matter, the impugned order contained in Memo No. 175 dated 12.10.2017 (Annexure-1) is quashed with a direction to the Sub-Divisional Officer, Benipur, Darbhanga to restore supplies to the petitioner.

5. The writ petition stands allowed as above.

**(Vikash Jain, J)**

B.T/Chandran

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 03.07.2018 |
| Transmission Date | N.A.       |

