

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13012 of 2018

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Amod Kumar Rai @ Amod Rai, son of Sisupal Ray, resident of village
Kararia, P.S. Sadar, district Gopalganj ... Petitioner

Versus

1. The State Of Bihar through the Secretary, Food and Consumer Protection
Department, Bihar, Patna
2. The Collector, Gopalganj
3. The Subdivisional Officer, Sadar, Gopalganj
4. The Block Supply Officer, Sadar, Gopalganj ... Respondents
- =====

Appearance :

For the Petitioner : Mr. Nafisuzzoha, Adv.
For the Respondents : Mr. Arvind Ujjwal, SC IV

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-08-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

Petitioner challenges the suspension of his Public
Distribution System Licence No. 75 of 2016 by the respondent
no. 3, the Licensing Authority, i.e., the Subdivisional Officer,
Sadar, Gopalganj, vide Memo No. 2835, dated 18.09.2017, as
contained in Annexure 2 to the writ application. The learned
counsel for the petitioner submits that the licence of the
petitioner has been suspended only because a first information
report has been lodged by the Block Supply Officer, Sadar,
Gopalganj, being Gopalganj Town P.S. Case No. 374 of 2017,
dated 27.08.2017, under Section 7 of the Essential Commodities
Act on the letter so written by the Block Supply Officer, Sadar,
Gopalganj, vide letter no. 1013, dated 27.08.2017. The first



information report has been lodged as the tractor, bearing registration no. BR-28GA-0469, was seized which was carrying rice for black marketing from the Public Distribution System shop of the petitioner amounting to nine quintals fifty kilograms.

Learned counsel for the State submits that under Section 28 of the Bihar Targeted Public Distribution System Control Order, 2016, merely on lodging of first information report, the licence could not be suspended as the other conditions whether the petitioner has been lodged in jail or turns fugitive has to be the ground for suspension. He relies on the order, dated 07.03.2017, passed in C.W.J.C. No. 16733 of 2016 (Radhe Krishna Vrs. the State of Bihar & Ors.). He further submits that in paragraph 16 of the writ application specific statement has been made that after suspension of his licence on 18.09.2017 nothing has been done by the Licensing Authority and no order of cancellation has been issued, still his licence is under suspension, as such, the second part of Clause 28 of the Bihar Targeted Public Distribution System Control Order, 2016, postulates that action or decision had to be taken within 180 days and now nearly a year has passed.

Learned counsel for the State appears and is heard.



Under the facts and circumstances, the order passed by the Subdivisional Officer, Sadar, Gopalganj, issued by Memo No. 2835, dated 18.09.2017, as contained in Annexure 2, is **quashed**. Supplies are to be restored to the petitioner forthwith.

However, liberty is granted to the Licensing Authority to take any action in accordance with law.

Writ application is **allowed**, accordingly.

(Nilu Agrawal, J)

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