

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13416 of 2018

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Ram Krishna Yadav son of Ram Lakhan Yadav Resident of Village -
Kahudag, P.S. - Barachatti, District – Gaya ... Petitioner

Versus

1. The District Magistrate, Gaya.
 2. The Sub Divisional Officer, Sherghati, Gaya.
 3. The Block Supply Officer, Barachatti, District – Gaya ... Respondents
- =====

Appearance :

For the Petitioner : Mr. Nikhilesh Kumar, 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 order of suspension of his
Public Distribution System Licence issued by the respondent no.
3, the Licensing Authority, Subdivisional Officer, Sherghati,
Gaya, by Memo No. 197, dated 09.06.2018, as contained in
Annexure 4 to the writ application.

Learned counsel for the petitioner submits that under
Clause 28 of the Bihar Targeted Public Distribution System
Control Order, 2016, the licence could be suspended if a first
information report has been lodged and the petitioner is sent to
jail or turns fugitive. He submits that no show cause notice has
been issued and the licence of the petitioner being Licence No.
457 of 2007 has been suspended only on the ground of lodging
of first information report being Barachatti P.S. Case No. 358 of



2018, dated 04.06.2018, under Section 7 of the Essential Commodities Act on the ground of black marketing. It may be noted that a first information report was lodged against the petitioner by the respondent no. 3, the Block Supply Officer, Barachatti, Gaya, as a Pick-Up van, bearing registration no. WB-39A-8406, was carrying 32.50 quintals of rice and alleged to be carried from the Public Distribution System shop of the petitioner for black marketing.

Learned counsel for the petitioner submits that on verification of the stock of the petitioner, 2.76 quintals of wheat was found in excess and only 1.89 quintals of rice was found less and on the basis of seized Pick-Up van, which did not belong to the petitioner, first information report has been lodged and suspension order of his Public Distribution System licence has been issued. He submits that merely of lodging of first information report such suspension order could not have been passed as held by this Court in order, dated 07.03.2017, passed in C.W.J.C. No. 16733 of 2016 (Radhe Krishna Vrs. the State of Bihar & Ors.) as other two postulates of being in jail or turning fugitive has not been satisfied.

Learned counsel for the State appears and has been heard.



Considering the facts and circumstances and the materials on record the order issued vide Memo No. 197, dated 09.06.2018, issued by the Subdivisional Officer, Sherghati, Gaya, as contained in Annexure no. 4, is **quashed**. Supplies to the petitioner be restored forthwith. However, the Licensing Authority will be at liberty to take any action against the Public Distribution System licence in accordance with law.

The writ application is **allowed**, accordingly.

(Nilu Agrawal, J)

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