

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8965 of 2017

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Rajiv Kumar Mandal, S/o Late Kripa Narayan Mandal, Resident of Panchayat Sirniya (Paschim), P.S.- Muffasil, District- Katihar.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The Collector, Katihar.
3. The Sub-Divisional Officer, Katihar.
4. The Block Supply Officer, Katihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Adv

For the Respondents : Mr. Lalan Kumar, AC to GP9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-01-2018

The present writ petition has been filed for quashing of the order contained in memo no. 249/Aa dated 05.06.2017 passed by learned Sub-Divisional Officer, Katihar by which the PDS licence of the petitioner being license no. 06/1990 has been suspended.

2. Learned counsel for the petitioner submits that the license of the petitioner, who is a PDS dealer, has been suspended only on the basis of the first information report instituted as Muffasil P.S. Case No. 108 of 2017. It is submitted that the conditions for suspension of the license 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 license 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. 249/Aa dated 05.06.2017 passed by learned Sub-Divisional Officer, Katihar (Annexure-3) 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
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