

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 3439 of 2018

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Chandra Shekhar Mandal, Son of Phudar Mandal, Resident of Village- Kodwar,
Police Station- Kahalgaon (Ghogha), District- Bhagalpur.

..... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food & Supply, Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The S.D.O., Kahalgaon, Bhagalpur.
5. The Block Supply Officer, Kahalgaon, Bhagalpur.

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv

For the Respondent/s : Mr. S.RAZA AHMAD -AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

The present writ petition has been filed for quashing of the order contained in memo no. 2043 dated 21.09.2010 passed by learned Sub-Divisional Officer, Kahalgaon by which the PDS licence of the petitioner being license no. 10/92 has been suspended.

2. Learned counsel for the petitioner submits that the licence of the petitioner, who is a PDS dealer, has been suspended only on the basis of the first information report instituted as Kahalgaon P.S. Case No. 351 of 2010. It is submitted that the conditions for suspension of the licence 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 licence 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. 2043 dated 21.09.2010 passed by learned Sub-Divisional Officer, Kahalgaon (Annexure-1) 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
CAV DATE	NA
Uploading Date	04.04.2018
Transmission Date	NA

