

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7022 of 2017

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Anurag Rajak Son of Jagdambi Baitha, Resident of Village- Bangraha, Police Station- Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Supply Department, Bihar, Patna.
2. The D.M., Samastipur.
3. The S.D.O., Dalsing Sarai, Samastipur.
4. The Block Marketing Officer, Vidyapati Nagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda
For the Respondent/s : Mr. Sanjay Kr. Giri-Gp9

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-12-2018

The present writ petition has been filed for quashing the order dated 11.03.2017 passed by the Sub-Divisional Officer, Dalsing Sarai whereby and whereunder the PDS licence of the shop of the petitioner has been cancelled.

The short ground raised by the petitioner for assailing the aforesaid order dated 11.03.2017 is that the impugned order has been passed cancelling the licence of the shop of the petitioner merely on the ground of pendency of an FIR.

The learned counsel for the petitioner has referred to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 and has submitted that there is no provision for cancellation of the licence during the pendency of the FIR. It is further submitted that the petitioner has already been granted anticipatory bail in the pending



FIR, hence, there was no occasion for the Sub-Divisional Officer to cancel the licence of the petitioner.

The learned counsel appearing for the respondents has no quarrel in law.

Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, I find that the licence of the shop of the petitioner could not be cancelled on account of pendency of an FIR since the pendency of an FIR is not a ground mentioned in Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 which entails cancellation of PDS licence.

Accordingly, the order dated 11.03.2017 passed by the Sub-Divisional Officer, Dalsing Sarai is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

