

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8926 of 2017

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Manikant Jha S/o Late Ayodhya Jha, resident of Khada, P.S.- Udakishunganj,
District- Madhepura.

.... Petitioner

Versus

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

.... Respondents

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Appearance :
For the Petitioner : Mr. Dhananjaya Nath Tiwari, Adv
For the Respondents : Mr. ANIRBAN KUNDU-SC24

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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. 421 dated 06.02.2017 passed by learned Sub-Divisional Officer, Udakishanganj by which the PDS licence of the petitioner being license no. 222 of 2007 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 Udakishanganj P.S. Case No. 13 of 2017. 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 relies on the counter affidavit to oppose the writ petition submitting that an First Information Report has been instituted against the petitioner pursuant to which the license of the PDS shop of the petitioner has been suspended as he was found to be indulged in black marketing of food grains.

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. 421 dated 06.02.2017 passed by learned Sub-Divisional Officer, Udakishanganj (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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