

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12415 of 2017

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Lakhan Lal Harijan S/o Kewa Lal Harijan Gram - Para Purnia, Panchayat - Shishabadi, Prakhand - Baisha, District - Purnia.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply, Bihar, Patna.
3. The Divisional Commissioner, Purnia.
4. The District Magistrate, Purnia.
5. The District Supply Officer, Purnia.
6. The Sub-Divisional Officer, Baishi, Purnia.
7. The Block Supply Officer, Baisha, Purnia.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Adv
Mr. Rajiv Ranjan, Adv

For the Respondent/s : Mr. ARVIND UJJAWAL - SC4
Mr. M.N.Roy, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-04-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

- (i) For quashing the order dated as contained in
memo no. 930 dated 24.08.2016 issued and passed
by the Sub Divisional Officer, Baishi, whereby and
whereunder the learned Sub Divisional Officer,
Baishi, has attached the Fair Price shop of the



petitioner under Public Distribution bearing Licence No. 15/07.

(ii) Further for a direction to the respondents to restore the supply to the Fair Price Shop of the petitioner under Public Distribution bearing Licence No. 15/07.

(ii) For any other appropriate relief/ reliefs to which the petitioner is found entitled in the facts and circumstances of the Case.

3. It is submitted that by memo no. 930 dated 24.08.2016 (Annexure-4) issued by the Sub-divisional Officer, Baishi the petitioner's PDS shop bearing no. 15/07 has been tagged with another PDS dealer namely, Jyotish Harijan PDS Shop, on the sole ground that an F.I.R. being Rauta P.S. Case No. 35 of 2016, under Section 7 of the E.C. Act has been lodged against the petitioner. It is submitted that such action is wholly arbitrary and there is no provision for tagging a PDS shop without suspension of the licence as done in the present case.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A bare perusal of the impugned order dated 24.08.2016 (Annexure-4) discloses that merely for the reason that an F.I.R. has been instituted



against the petitioner his PDS shop is directed to be tagged with another PDS shop without however suspending his licence. Learned counsel for the respondents has not been able to point out any provision to justify such action.

6. In the above view of the matter, the impugned order 24.08.2016 is hereby quashed and the writ petition stands allowed. Supplies to the petitioner shall be restored without delay.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2018
Transmission Date	NA

