

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6088 of 2017

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Pinki Kumari, Wife of Sikandar Prasad, Resident of Village- Bansh Bigha, P.S. -
Dhanarua, District-Patna.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old Secretariat Patna.
2. The Sub Divisional Officer Masaurhi, Patna.
3. The Block Supply Officer, Dhanarua, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : Mr. S. Raza Ahmad-AAG5

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-04-2018

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

2. The present writ petition has been filed for quashing the order dated 24.05.2016 passed by S.D.O. Masaurhi fully contained in Memo No. 202 whereby and whereunder the licence granted to the petitioner for carrying on the business of a Public Distribution Shop within the Panchayat of Chhati was suspended and monthly allotment has been stopped; and for further direction to the respondents to restore the petitioner's licence.

3. 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 Dhanarua P.S. Case No. 182/2016. 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 she 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.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner has not been controverted in the counter affidavit.

5. 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. 202 dated 24.05.2016 (Annexure-2) passed by learned Sub-Divisional Officer, Masaurhi, Patna is hereby quashed. The writ petition stands allowed.

6. 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)

B.T/Chandran

AFR/NAFR	NAFR
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