

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1822 of 2017

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Karuna Devi, Wife of Raj Kumar Sah, resident of village - Bakhri Coal, P.S. - K. Nagar, District - Purnea

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old Secretariat, Patna
2. The Collector, Purnea
3. The S.D.O. Sadar, Purnea
4. The Block Supply Officer, K. Nagar, Purnea

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : Mr. Chhotelal Mishra, AC to GA6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-05-2018

I.A. No. 3229 of 2018

The interlocutory application has been filed with the prayer for a direction to the respondent no. 3 to restore the allotment of the petitioner's shop in the backdrop of her acquittal in G.R. Case No. 2649/2016 arising out of K. Nagar (Maranga) P.S. Case No. 276/2016 in terms of the judgment dated 21.03.2018 passed by the Sub-Divisional Judicial Magistrate, Purnea.

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated as forming part of the writ petition.

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3. Heard learned counsel for the petitioner as well as learned counsel for the respondents.

4. The main writ petition has been filed challenging the order dated 08.11.2016 passed by SDO, Sadar, Purnea whereby and whereunder the PDS license granted to the petitioner being license 65/2016 for running a Public Distribution Shop was cancelled on the ground that allegation of excess charge and short supply made out against her.

5. Learned counsel for the petitioner makes a simple submission to the effect that despite being acquitted in K. Nagar (Maranga) P.S. Case No. 276/2016 which had been instituted for the above allegations, the licence of the petitioner has not been restored and for which she has already filed a representation before the Sub-Divisional Officer, Sadar, Purnea as far back as on 16.04.2018 (Annexure-8 to the I.A.).

6. Learned counsel for the respondents appears and has been heard. The petitioner's claim of acquittal in K. Nagar (Maranga) P.S. Case No. 276/2016 has however not been controverted in the counter affidavit filed.

7. In the above view of the matter, the impugned order of cancellation dated 08.11.2016 (Annexure-6) is hereby quashed. Considering that the petitioner has now been acquitted in terms of the judgment dated 21.03.2018 passed by the Sub-Divisional Judicial



Magistrate, Purnea in G.R. Case No. 2649/2016 arising out of K. Nagar (Maranga) P.S. Case No. 276/2016, no purpose will be served in remanding the matter for fresh decision to the S.D.O. inasmuch as the very foundation for cancellation of PDS licence of the petitioner no longer survives.

- 8. Supplies to the petitioner shall be restored without delay.
- 9. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.05.2018
Transmission Date	N.A.

