

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9653 of 2018**

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Kavita Kumari @ Kavita Devi, Wife of Late Satendra Choudhary, Resident of  
Village- Temtha Katari, P.S.- Parbatta, District- Khagaria.

.... .... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Food and Consumer Protection,  
Government of Bihar, Patna.
3. The Collector, Khagaria, District- Khagaria.
4. The Sub-Divisional Officer-cum-Licensing Officer, Gogri, P.S.- Gogri, District-  
Khagaria.
5. The District Supply Officer, Khagaria, District- Khagaria.
6. The Block Supply Officer, Parbatta, P.S.- Parbatta, District- Khagaria.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Amrendra Kumar, Advocate

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 25-06-2018**

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

2. The present writ application has been filed for quashing the order contained memo No. 2862 dated 30.12.2017 passed by the Sub-Divisional Officer, Gogri whereby and whereunder P.D.S. License No. 78P/2007 under the provisions of the Bihar Targeted Public System Control Order 2016 has been cancelled; for further direction to the respondent authorities to restore her P.D.S. License; and for connected reliefs.

3. Learned counsel for the petitioner invites attention to



the impugned order dated 30.12.2017 according to which the petitioner's PDS license has been suspended on the ground that an F.I.R. has been instituted against her under Section 7 of the Essential Commodities Act. It is submitted that such action is wholly contrary to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, which provision reads as follows –

***“28. Actions to be taken against a licensee after a F.I.R. lodged.- If an F.I.R. is lodged against a licensee under the Essential Commodities Act, 1955 or for any other criminal cases and he is sent to jail or he goes fugitive, his license shall be suspended by the licensing authority with immediate effect, and after serving show cause notice upon him in accordance with Civil Procedure Code and giving him sufficient opportunity to present his case, a lawful action shall be taken within 180 days, as far as possible.”***

4. A specific stand has been taken in paragraph 11 of the writ petition to the effect that the petitioner was granted anticipatory bail by order dated 27.02.2018 passed by a coordinate Bench of this Court in Cr. Misc. No. 12225 of 2018 in connection with Parbatta P.S. Case No. 467 of 2017. It is therefore submitted that the petitioner has neither gone to jail nor is fugitive and as such the pre-condition for suspension of her license under Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 is not fulfilled. It is further pointed out that even though the order of suspension has been passed as far back as on 30.12.2017, no show cause notice thereafter for taking any lawful



action against her has been served even after lapse of more than 180 days, as contemplated under Rule 28 aforesaid.

5. Learned counsel for the respondents appears and has been heard. No counter affidavit has been filed till date.

6. In the above matter, the writ petition stands allowed and the impugned order of suspension order contained memo No. 2862 dated 30.12.2017 passed by the Sub-Divisional Officer, Gogri (Annexure-4) is hereby quashed.

7. Supplies to the petitioner shall be restored without delay.

**(Vikash Jain, J)**

B.T/Chandran

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| CAV DATE          | N.A.       |
| Uploading Date    | 01.07.2018 |
| Transmission Date | N.A.       |

