

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18824 of 2018

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Shiv Shankar Yadav Son of Sitaram Yadav, resident of Village- Dhatta
Total, P.S. Rudrapur, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food Supply and Consumer Protection Department, Bihar, Patna.
2. The Registrar Co-operative Society Bihar, Patna.
3. The Point Registrar Co-operative Society Patna.
4. The Collector, Madhubani.
5. The District Co-operative Officer Madhubani.
6. The Sub- Divisional Officer Andhrathari Madhubani.
7. The District Supply Officer, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Respondent/s : Mr. S.Raza Ahmed -AAG5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-10-2018

The present writ petition has been filed for quashing the order dated 19.08.2016, issued by the Sub-Divisional officer, Madhubani whereby and whereunder the license of P.D.S shop of the petitioner has been suspended in view of lodging of an F.I.R. against the petitioner herein.

The learned counsel for the petitioner submits that in view of Rule-28 of Bihar Targeted P.D.S. (Control) Order, 2016, the licensing authority is obliged to take appropriate action within a period of 180 days. However, in the present case, despite lapse of more than a year, no action whatsoever has been taken by the licensing authority.

The learned counsel for the petitioner has further submitted that neither any show-cause notice has been issued to the petitioner nor the license has been cancelled, as such, the order



of suspension, which is in the teeth of the aforesaid Rule-28 of Bihar Targeted P.D.S. (Control) Order, 2016, is fit to be quashed.

Having regard to the facts and circumstances of the case, this Court finds that the suspension of license cannot be permitted to continue in perpetuity and the same is in violation of Rule-28 of Bihar Targeted P.D.S. (Control) Order, 2016, hence the order of suspension dated 19.08.2016 is illegal and dehors the aforesaid Rule-28 of Bihar Targeted P.D.S. (Control) Order, 2016. Thus, the order dated 19.8.2016 passed by the S.D.O., Madhubani is quashed and liberty is granted to the Sub-Divisional Officer Jhanjharpur/ Madhubani to proceed further in accordance with law.

It is needless to state that in case the license has already been cancelled, the present order would stand void.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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