

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22293 of 2018

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Punyanand Thakur @ Tunyanand Thakur Son of late Baleshwar Thakur@
Blaeshavar Thakur Resident of Village- Jalwar@ Jalavar,Post- Kamrauli,
Police Station- Simri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Secretary, Food and Civil Supply, Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The District Magistrate, Darbhanga.
5. The District Supply Officer, Darbhanga.
6. The Licensing Authority cum the Sub-Divisional Officer, Sadar, Darbhanga.
7. The Block Supply Officer, Bahadurpur, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Respondent/s : Mr.S.Raza Ahmad,AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2018 The petitioner has filed the present writ petition for quashing of the order dated 18.06.2018 passed by the Sub-Divisional Officer, Sadar, Darbhanga, whereby and whereunder the P.D.S. license of the shop of the petitioner has been suspended only on the ground of lodging of an FIR.

The learned counsel for the petitioner submits that the aforesaid order dated 18.06.2018 is contrary to Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 inasmuch as the petitioner is neither a fugitive nor has been put behind the bar since he has already been enlarged on anticipatory bail by an order dated 06.10.2018 passed in Criminal Misc. No. 60635 of



2018.

The learned counsel for the respondents does not dispute the position as existing in law.

Having regard to the facts and circumstances of the case, this Court finds that the impugned order dated 18.06.2018 passed by the Sub-Divisional Officer, Sadar, Darbhanga is contrary to Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016, hence is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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