

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23898 of 2018

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Ramlakhan Bhuiyan son of Baijnath Manjhi, resident of village Itwan, Village Panchayat Matihani, P.S. Mohanpur, District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The Sub-Divisional Officer, Sherghati, District Gaya.
3. The Block Supply Officer, Mohanpur, Dist. Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar
For the Respondent/s	:	Mr. S. Raza Ahmad- Aag5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-12-2018

The present writ petition has been filed for quashing the order dated 24.02.2018 passed by the Sub-Divisional Officer, Sherghati whereby and whereunder the PDS licence of the shop of the petitioner has been suspended on account of pendency of the F.I.R.

The learned counsel for the petitioner has referred to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 and has submitted that the licence cannot be suspended on mere filing of the F.I.R. and the licence can only be suspended when the petitioner is sent to jail, however, the petitioner has already been granted anticipatory bail by the learned court below. Thus, it is submitted that the impugned order dated 24.02.2018 has been



passed in contravention of Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016.

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

Having regard to the facts and circumstances of the case, this Court finds that the order dated 24.02.2018 has been passed in contravention of Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, hence the impugned order dated 24.02.2018 passed by the Sub-Divisional Officer, Sherghat is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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

