

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5384 of 2017

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Anand Kumar, Son of Late Jineshwar Prasad, Resident of Village-Chilhar, P.S.-
Azimabad, District-Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old Secretariat Patna.
2. The Sub-Divisional Officer, Sadar, Ara.
3. The Block Supply Officer, Agiaon, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Respondent/s : Mr. SANJAY KR. GIRI- GP9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-04-2018

The present writ petition has been filed for quashing of the order contained in memo no. 2813 dated 12.11.2016 passed by learned Sub-Divisional Officer, Sadar, Ara by which the PDS licence of the petitioner being license no. 52/07/177/07 has been suspended.

2. Learned counsel for the petitioner submits that the licence of the petitioner, who is a PDS dealer, has been suspended only on the basis of the first information report instituted as Azimabad P.S. Case No. 16/2016. It is submitted that the conditions for suspension of the licence in terms of Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 are not satisfied as the petitioner is neither behind the bar nor he is fugitive. The petitioner relies upon the order dated 07.03.2017 passed by the Coordinate Bench of this Court in CWJC No. 16733 of 2016 in which the order of suspension of licence was quashed for similar reasons.



3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of the grievance of the petitioner and in view of the order dated 07.03.2017 passed by this Court in CWJC No. 16733 of 2016 in similar circumstances, the impugned order contained in memo no. 2813 dated 12.11.2016 (Annexure-5) passed by learned Sub-Divisional Officer, Sadar, Ara is hereby quashed. The writ petition stands allowed.

5. Needless to say, the supply of the articles in terms of the Bihar Targeted Public Distribution System (Control) Order, 2016 shall be restored to the petitioner without delay.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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