

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10882 of 2017

=====

Saryug Choudhary, S/o Late Fochi Lal Choudhary, R/o Vill-Dudha-Kewatana,
P.O.-Balha, P.S. + Dist.-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Food Supply Department Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, Supaul
3. The District Supply Officer, Supaul
4. The Sub-Divisional Officer, Sub-Division, Supaul
5. The Block Supply Officer, Supaul
6. The Thana Adhyaksh, Supaul.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Advocate

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

Heard learned counsel for the petitioner and learned counsel
for the respondents.

2. The present writ petition has been filed for quashing the
order of suspension of the petitioner's PDS licence No. 161/2007
passed by the Subs-divisional Officer, Suapul vide Memo No. 2065-2
dated 26.12.2016; and for connected reliefs.

3. Learned counsel for the petitioner invites attention to the
impugned order dated 26.12.2016 according to which the
petitioner's PDS licence has been suspended on the ground that an
FIR has been instituted against him under Section 7 of the Essential
Commodities Act. It is submitted that petitioner's shop has been



attached with another PDS Shop. 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. It is further pointed out that even though the order of suspension has been passed as far back as on 26.12.2016, no show cause notice thereafter for taking any lawful action against him 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 so far controverting the stand of the petitioner.

6. In the above matter, the writ petition stands allowed and the impugned order of suspension dated 26.12.2016 (Annexure-7) is hereby quashed. Supplies to the petitioner shall be restored without delay.

7. It is made clear that in case the stand of the petitioner with



regard to non-issuance of show cause notice pursuant to suspension of his licence is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2018
Transmission Date	NA

