

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2952 of 2018

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Shatrudhan Sah @ Shatrughan Sah, S/o Late Jharokhi Sah, Resident of Village -
Laxmipur, Tethan, P.S.- Sadar, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The Collector, Darbhanga.
3. The Sub-Divisional Officer, Sadar Darbhanga.
4. The Block Supply Officer cum Circle Officer, Sadar Darbhanga.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. D.N. Tiwary, Adv
For the Respondent/s : Mr. S.RAZA AHMAD -AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-04-2018

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. 61 of 2016
passed by the Subs-divisional Officer, Darbhanga vide Memo No. 1363
dated 12.09.2017; and for connected reliefs.

3. Learned counsel for the petitioner invites attention to the
impugned order dated 12.09.2017 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 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 12.09.2017, 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 12.09.2017 (Annexure-5) 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 that no reasonable opportunity has been granted prior 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
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