

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8991 of 2018

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Rameshwar Pandey S/o Raj Mangal Pandey Resident of Village- Sareya, Ward
No. 1, P.S. Sadar, District- Gopalganj.

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate

For the Respondents : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-05-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for quashing of
the order dated 16.11.2017 passed in Memo No. 3337 by learned Sub
Divisional Officer Gopalganj by which the PDS license of the petitioner
being license No. 01/2016 has been suspended in contravention of
clause – 28 of Targeted P.D.S control order, 2016; and for further
direction to the respondents to restore the license and supply of the
petitioner.

3. Learned counsel for the petitioner submits that the
license of the petitioner, who is a PDS dealer, has been suspended only
on the basis of the first information report instituted as Gopalganj
Town P.S. Case No. 200 of 2017. It is submitted that the conditions for
suspension of the license in terms of Clause 28 of the Bihar Targeted



Public Distribution System (Control) Order, 2016 are not satisfied as the petitioner is neither behind bars nor is he a fugitive. The petitioner relies upon the order dated 07.03.2017 passed by a coordinate Bench of this Court in CWJC No. 16733 of 2016 in which the order of suspension of license was quashed for similar reasons.

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

5. 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 C.W.J.C. No. 16733 of 2016 in similar circumstances, the impugned order contained in Memo No. 3337 dated 16.11.2017 passed by learned Sub-Divisional Officer, Sadar Gopalganj (respondent no. 3) is hereby quashed.

6. The writ petition stands allowed. Needless to say, 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)

B.T/-

AFR/NAFR	NAFR
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