

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12321 of 2018

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Pradip Singh, Son of Late Ram Khelavan Singh, resident of Village- Phanda @
Bishunpur Phanda, P.O. Gorigama, P.S. Karza, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer (West), Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Block Supply Officer, Marwan, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Nachiketa Jha, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2018

The present writ petition has been filed for the
following reliefs –

"I. For issuance of an order, direction, writ including writ in the nature of certiorari to quash the order vide Memo no. 666 Aa dated 06.06.2017 passed by Sub-Divisional Officer (West), Muzaffarpur whereby he suspended the licence of P.D.S. shop of the petitioner bearing licence no. 23050006/16 which is situated in Gram Panchayat Raj Mahammadpur Khaje under Marwan Block and stopped its monthly allotment.

II. For issuance of an order, direction, writ including writ in the nature of mandamus directing the respondents to allow the monthly allotment to the P.D.S. shop of the



petitioner.

III. Any other relief or reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the case.”

2. 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 Karza P.S. Case No. 77 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 bar nor he is 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.

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 C.W.J.C. No. 16733 of 2016 in similar circumstances, the impugned order contained in Memo No. 666 Aa dated 06.06.2017 passed by learned Sub-Divisional Officer (West), Muzaffarpur (respondent no. 3) is hereby quashed. The writ petition stands



allowed.

5. 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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