

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15364 of 2018

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Dinesh Prasad Mandal, the Chairman Babupur PACS S/o Late Ram Nagina Mandal, resident of Village- Babupur, P.S.- Pirpainti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector cum District Magistrate, Bhagalpur.
3. The District Supply Officer, Bhagalpur.
4. The Sub-Divisional Officer, Kahalgaon, District Bhagalpur.
5. The Block Supply Officer, Pirpainti, District Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-09-2018 The present writ petition has been filed for quashing of the order dated 17.07.2017 whereby and where-under the P.D.S. license of the petitioner has been suspended on the ground that an FIR has been lodged against the petitioner herein.

The learned counsel for the petitioner has referred to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, which is reproduced herein below:-

“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.”

The learned counsel for the petitioner submits that despite order of suspension having been passed on 17.07.2017, even after a lapse of about one year, neither any show cause notice nor any final order has been passed, hence, the order of suspension is liable to be set aside. The learned counsel for the petitioner further submits that till date neither any show cause has been given nor any final order has been passed by the Sub-Divisional Officer cancelling the license of the petitioner herein regarding his PDS dealership.

In view of the provisions contained in Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, this Court finds that the order of suspension dated 17.07.2017 cannot be permitted to stand any further, hence, the same is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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