

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6395 of 2018

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Shatrughan Sah S/O of Damodar Sah, Resident of Ward No. 03, Harpur
Makund, P.S. Rajapakar, Vaishali, Jafarpatti.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Government of Bihar, Patna.
2. The Primary Secretary Food and Civil Supply, Bihar, Patna.
3. The District Magistrate, Vaishali.
4. The District Supply Officer, Vaishali.
5. The Sub-Divisional Officer, Mahua, Vaishali.
6. The Block Supply Officer, Rajapakar Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Alok Ranjan, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-04-2018

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

"1. For quashing the letter as contained in letter no. 25 dated 15.03.2017 issued under the signature of Block Supply Officer, Rajapakar, addressed to Sub-Divisional officer, Mahua, by which it has been informed to SDO, Mahua that pursuant to and compliance of his memo no. 145 and 146 dated 10.03.2017, the PDS license of the petitioner has been suspended along with one Dilip Kumar and the consumers of the petitioner shop has been recommended to be attached to one PDS Shop dealer namely Anklesh Singh, since till date neither any order of suspension or any order of cancellation of PDS license of the petitioner has been served to the petitioner.



II. For commanding and directing the respondent authorities to restore the P.D.S. license of the petitioner for running fair price shop bearing license no. 16/07 forthwith, which has been suspended contrary to the statutory provision of the act and no order to that effect have ever been communicated to the petitioner.

III. For direction to the respondents to restore the supply to the Fair Price Shop of the petitioner under Public Distribution System bearing license no. 16/07.

IV. For any other appropriate relief/reliefs to which the petitioner is found entitled in the facts and circumstances of this 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 Rajapakar P.S. Case No. 29 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.

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 dated 15.03.2017 as contained in Letter No. 25 passed by Block Supply Officer, Rajapakar, Vaishali (respondent no. 6) is hereby quashed.

5. 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.04.2018
Transmission Date	N.A.

