

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16443 of 2018

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1. Rajkumari Devi, Wife of Talkeshwer Prasad, Resident of Village-Selari, Police Station- Barachatti, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The Sub-Divisional Officer, Sherghati, District- Gaya.
3. The Block Supply Officer, Barachatti, Dist- Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

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 the order dated 13.07.2017, passed by learned Sub-Divisional Officer, Sherghati, whereby and whereunder, the supply of the P.D.S. dealership of the petitioner has been suspended on account of lodging of an F.I.R.

Learned counsel for the petitioner submits that in view of Rule-28 of Bihar Targeted P.D.S. (Control) Order, 2016, the licensing authority is obliged to take appropriate action within a period of 180 days. However, in the present case, despite lapse of about one year, no action, whatsoever, has been taken by the licensing authority.

Learned counsel for the petitioner has further submitted



that neither any show-cause notice has been issued to the petitioner nor the license has been cancelled, as such, the order of suspension is fit to be quashed.

In view of Rule-28 of the Bihar Targeted P.D.S. (Control) Order, 2016, this court finds that the suspension of licence cannot be permitted to continue in perpetuity, hence the same is, at this moment of time, illegal in view of Rule-28 of the Bihar Targeted P.D.S.(Control) Order, 2016. Since the order of suspension cannot continue perpetually, hence the order dated 13.07.2017 passed by S.D.O., Sherghati is quashed and the S.D.O. is granted liberty to proceed in accordance with law.

The writ petition is disposed of.

(Mohit Kumar Shah, J)

Amit/rajan

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