

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13179 of 2018

=====

Md. Waziruddin, son of Late Md. Sakur, Resident of Village-Chakbir, P.S.-Rajoun,
District-Banka.

.... Petitioner/s

Versus

- (1) The State of Bihar through the Chief Secretary, Government of Bihar, Patna
(2) The District Magistrate, Banka.
(3) The Sub-Divisional Officer, Baka.
(4) The District Supply Officer, Banka.
(5) The Block Supply Officer, Rajoun Block, District-Banka.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha
Mr. Chandra Shekhar Sharma, Adv.
Mr. Dharendra Nath Jha, Adv
For the Respondent/s : Mr. ARVIND UJJWAL-SC4
Mr. Upendra Pratap Singh, A.C. to S.C.-4.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 24-08-2018

Heard the learned counsel for the petitioner and learned
counsel for the State.

Petitioner challenges the suspension of his PDS license by
the licensing authority respondent No.3, the Sub Divisional Officer,
Banka vide Memo No.54 dated 02.02.2018 as contained in Annexure-
3, wherein since FIR being Rajoun P.S. Case No.41 of 2018 had been
lodged on 31.01.2018 against the petition under Section 7 of the E.C.
Act by his license No.51 of 2012 has been suspended. A show cause
notice dt.19.2.2018 as contained in Annexure-6 was issued to the
petitioner to reply within three days. The petitioner replied but no



action / information has yet been received. Petitioner has challenged the suspension order on the ground that only three days time was granted to him to file show cause and even under Clause 28 of the Bihar Targeted Public Distribution System (Control) Order 2016, lawful action has to be taken within 180 days from the date of suspension but since no action has been taken by the respondent No.3, as such the suspension order is bad in law.

The show cause notice dated 19.02.2018 proposes only 3 days time for filing of show cause and the same does not postulate of any action to be taken against the petitioner as after suspension neither the suspension has been revoked nor cancellation has been done in spite of 180 days stipulated in Clause 28 has passed.

Learned counsel for the State appears and has been heard.

Considering the facts and circumstances and the materials on record, the order of suspension dated 02.02.2018 merely on lodging of F.I.R. as contained in Annexure-3 passed by the licensing authority, i.e., respondent No.3, the Sub Divisional Officer, Banka is set aside.

Since three days time has been held to be highly insufficient in the case of ***Smt. Fulpati Devi Vs. State of Bihar since reported in 2013(1) PLJR 718***, the show cause also is set aside. The licensing authority is at liberty to take action against the PDS dealer in



accordance with law. Supplies to the petitioner be restored forthwith.

This writ application is allowed as above.

(Nilu Agrawal, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28/08/2018
Transmission Date	NA

