

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23009 of 2018

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Shiv Kumar Mahto S/o Late Bhaddo Mahto Resident of Mohalla
Maulaganj,P.S. Laheria Sarai,Distt.-Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary department of Food and Civil Supply Govt. of Bihar,Patna
2. The Collector Darbhanga
3. The Sub-Divisional Officer,Darbhangha
4. The Assistant District Supply Officer, Darbhanga
5. The Supply Inspector,Town Area Darbhanga,Distt.-Darbhanga

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2018 The present writ petition has been filed for quashing the order dated 25.07.2018 passed by the Sub-Divisional Officer, Darbhanga whereby and whereunder the licence of the PDS shop of the petitioner has been cancelled merely on the ground of lodging of an FIR.

The learned counsel for the petitioner has submitted that the impugned action of the S.D.O. is in teeth of Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 inasmuch as the petitioner is neither a fugitive nor has been sent to jail. It is further submitted that the petitioner has already been granted anticipatory bail by the learned trial court by an order dated 7.9.2018.



The learned counsel for the respondents does not dispute the position as existing in law.

Having regard to the facts and circumstances of the case, this Court is of the opinion that the impugned order dated 25.07.2018 passed by the Sub-Divisional Officer, Darbhanga is in teeth of Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, hence the same is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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