

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4329 of 2019

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Ramesh Sah @ Ramesh Kumar Sah, aged about 43 Years, Male, Son of Ram Prasad Sah, Resident of Village Ward No.9 Prem Nagar, P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply.
2. The Principal Secretary, Department of Civil Supply, Old Secretariat, Patna
3. The District Magistrate, Sitamarhi.
4. The Sub Divisional Officer, Runnisaidpur.
5. The Block Supply Officer, Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan, Adv. Mr. Kumari Sujata, Adv.
For the Respondent/s	:	Mr. U.P. Singh, AC to SC 4.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner is aggrieved by the order of suspension of his licence of the Public Distribution Shop as contained in Annexure '2' to the writ application. It is the case of the petitioner that the impugned order has been passed in complete violation and disregard of the provisions of Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as the Control Order of 2016). It is submitted that under Rule 28 of the Control Order of 2016, the licence could have been placed under suspension only in case



the petitioner would have been sent to jail or has gone fugitive. It is submitted that there is no such finding in the impugned order.

Learned counsel has also relied upon a recent order passed by this Court in CWJC No.24130 of 2018 holding that in terms of Rule 28 of the Control Order, 2016 licence of the Public Distribution Shop cannot be cancelled without a finding to the effect that the licensee is either sent to jail or has gone fugitive.

Learned counsel for the State is present and in the nature of submissions advanced on behalf of the petitioner, it is submitted that the writ application may be disposed of without inviting the counter affidavit but with a liberty to the Sub-Divisional Officer to take a fresh view of the matter and pass an appropriate order in the facts and circumstances of the case.

Considering the submissions advanced on behalf of the parties and on going through the contents of the impugned order, this Court finds that learned counsel for the petitioner is correct in contending that in the impugned order there is no finding that the petitioner has been sent to jail or has gone fugitive. In such view of the matter, this case would be covered by the earlier order dated 06.03.2019 passed by this Court in



CWJC No.24130 of 2018 and other analogous matters. The reasoning and rationale therein would equally govern the present case. In result the impugned order as contained in Annexure '2' to the writ application is quashed. The matter is remitted to the Sub-Divisional Officer, Sitamarhi, Sadar to take a fresh view of the matter and pass an appropriate order in the facts and circumstances of the case. Let the whole exercise be completed within a period of 90 days from the date of receipt/production of a copy of this order.

The writ application is allowed to the extent indicated hereinabove.

The petitioner may now request the Sub-Divisional Officer, Sitamarhi, Sadar to restore the supply subject to the final decision.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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