

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24256 of 2018

=====

Birendra Kumar Singh @ Birendra Singh, Son of Kameshwer Singh, Resident of Village- Nagwan, Village Panchayat- Nagwan, Police Station- Imamganj, District- Gaya.

... .. Petitioner/s

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, Imamganj, District- Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. AC to AAG 5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner is aggrieved by the impugned order dated 19.11.2018 as contained in memo no. 196 (Annexure '1') by which the PDS Shop license of the petitioner has been suspended.

Learned counsel for the petitioner submits that bare perusal of Annexure '1' would show that while passing the impugned order of suspension, the licensing authority has not kept in mind the provisions of Clause 28 (iii) of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter refer to as the 'Control Order, 2016') which requires that a license may be placed under suspension only when pursuant to lodging of the FIR, the licensee is sent to jail or gone fugitive.



Learned counsel further submits that in several decision, this Court has occasion to look into Clause 28(iii) of the Control Order, 2016 and the same has been held to be mandatory.

Learned counsel for the State submits that because Annexure '1' does not show the finding of licensing authority in consonance with the Clause 28 (iii) of the Control Order, 2016, the matter may be remitted to the licensing authority for a fresh consideration.

In the given facts and circumstances of the case, the impugned order as contained in Annexure '1' to the writ application is hereby set aside and the matter is remitted to the licensing authority (respondent no. 3) for a fresh consideration and to pass reasoned order in accordance with law within a period of 90 days from the date of receipt/production of a copy of this.

In view of the setting aside of the impugned order, the licensing authority shall also consider that the shop of the petitioner which has been earlier attached with some other shop, be restored and accordingly consequential action shall follow.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

