

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4612 of 2019

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Jai Prakash Singh Son of Late Shyam Kishor Singh H.No. 113, Gajiapur, P.S.-
Sinha, District- Bhojpur, Fair Price Shop Dealer, Licence No. 99/09,
Panchayat- Gajiapur, Block- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary-cum-Commissioner, Food and Consumer Protection, Department of Food and Civil Supply, Bihar, Patna
2. The District Collector, Bhojpur
3. The Sub-Divisional Officer, Ara, Distt- Bhojpur
4. The District Supply Officer, Bhojpur
5. Block Supply Inspector, Barhara, Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nil Kamal, Advocate
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Although a counter affidavit has been filed on behalf
of the State, there is no statement in the counter affidavit as to
how merely on the ground of filing an FIR against the petitioner
his license could have been placed under suspension.

Learned counsel for the Sate agrees that in terms of
the various judgments of this Court a license of the Fair Price
Shop cannot be placed under suspension unless it is recorded as
a matter of fact that after lodgment of the FIR, the licensee had
either been arrested or had gone to jail. In the present case,



however, while passing the impugned order as contained in Annexure '2' to the writ application no such finding has been recorded.

Learned counsel for the petitioner has also submitted before this Court that in terms of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the 'Control Order of 2016'), after suspension of the license of the petitioner further action had to follow within 180 days from the date of suspension, till date no action has been taken and the matter has been left as it is.

In the given facts and circumstances of the case and in view of the stand taken on behalf of the State, this Court is of the considered opinion that the impugned order as contained in Annexure '2' cannot sustain in the interest of law. The impugned order is not in consonance with the provisions of the Rule 28 of the Control Order of 2016 which this Court has occasion to deal within the various cases. The impugned order is thus, set aside. The matter is remitted to the Sub-Divisional Officer, Ara (respondent no. 3) to proceed with the matter afresh after looking into the facts and circumstances of the case and after giving an opportunity to show cause to the petitioner.

Let the whole exercise in this regard be completed



within a period of 90 days from the date of receipt/production of
a copy of this order.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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