

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4340 of 2019

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Mukesh Kumar S/o Rameshwar Singh, Resident of Village Harvanspur, P.S.
Chiksaura, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Government of Consumer Protection Patna, Bihar.
2. The District Magistrate, Nalanda.
3. The Sub Divisional Officer Hilsa, Nalanda.
4. The District Supply Officer, Nalanda.
5. The Block Supply Officer Hilsa, District- Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Respondent/s : Mr. AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-07-2019 Heard learned counsel for the petitioner and the

State.

Petitioner is aggrieved by the order of suspension of his P.D.S. Shop license as contained in Annexure '2' to the writ application. The short question which has been addressed before this Court is that the impugned order has been passed without recording the existence of fact in terms of Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the 'Control Order, 2016'). It is submitted that there is no stipulation in the impugned order that after lodging of the FIR the petitioner was absconding or had gone fugitive, therefore,



following the various judgments of this Court which are consistent to the same fact, the impugned order is liable to be set aside.

Learned Counsel for the State is present and submits that in the given facts of the case the Sub-Divisional Officer, Hilsa (Nalanda) may be given a fresh opportunity to pass an appropriate order in accordance with law.

In the given facts and circumstances of the case, since this Court finds that the impugned order does not satisfy the requirements of Rule 28 of the Control Order, 2016 and it is in teeth of the judgment of this Court on this point, the same as contained in Memo No. 464 dated 01.09.2018 (Annexure '2') is hereby set aside. Setting aside of the impugned order, however, shall not come in the way of licensing authority in proceeding afresh after serving a proper show cause and giving an appropriate opportunity to the petitioner in accordance with law.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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