

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8811 of 2019**

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Akash Kumar @ Aakash Kumar (Male) aged about 27 years, Son of Bhuneshwar Singh Resident of Village- Nargadda, P.S.- Shahpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate Patna, District- Patna.
3. The Sub- Divisional Officer Danapur, District- Patna.

... .. Respondents

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**Appearance :**

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| For the Petitioner/s | : | Mr.Rajeev Kumar Labh    |
| For the Respondent/s | : | Mr.S. Raza Ahmad (AAG5) |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      04-06-2019                      The petitioner in the present case is aggrieved by the order dated 18.07.2018 as contained in Annexure ‘1’ to the writ application by which the Sub-Divisional Magistrate, Danapur has placed the license of the Public Distribution System Shop of the petitioner under suspension. The impugned order is said to have been passed by the Sub-Divisional Magistrate in exercise of his power under Rule 28 of the Bihar Targeted PDS (Control) Order, 2016.

Learned counsel for the petitioner submits that in this case after the F.I.R. was lodged against the petitioner, the petitioner has got anticipatory bail vide order dated 18.12.2018 passed in Cr. Misc. No. 71668/2018 as contained in Annexure ‘5’ to the writ application.



It is submitted that there is no finding in the impugned order that the order of suspension is being passed because the petitioner was behind the bar or had gone fugitive. Relying upon a judgment of this court in the case of **Laxman Jha @ Lakshman Jha Vs. State of Bihar and Others** reported in **2019 (2) BLJ 797**, learned counsel submits that in the said case this court had occasion to consider the scope and ambit of Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, the present case, according to learned counsel for the petitioner, would be fully covered by the judgment of this court.

In this case no counter affidavit has been filed, however learned counsel for the State is present and submits that in the given facts and circumstances of the case where the order of suspension itself was passed about one year back and no further order seems to have been passed by the authority concerned, it would be just and proper if the concerned statutory authority is directed to re-visit his order as contained in Annexure '1' to the writ application in the light of the submissions of the petitioner and the judicial pronouncements on the subject.

Having heard learned counsel for the parties, this court deems it just and proper to direct the competent statutory



authority who have passed the impugned order as contained in Annexure '1' series to re-visit his order keeping in mind that it was passed one year back, consider the submissions of the petitioner and take a decision in the light of the judgment of this court in the case of **Laxman Jha (Supra)**. A decision in this regard be taken and communicated to the petitioner within a period of two months from the date of receipt/production of a copy of this order.

If no order is passed by the authority concerned within the aforesaid period, the order of suspension as contained in Annexure '1' series shall lose its significance and the license of the petitioner would be restored forthwith.

This writ application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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