

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10539 of 2019

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Murlidhar Sinha, aged about 66 years, male, Son of Ramdhari Singh
Resident of Village- Alinagar, P.S.- Bind, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Collector, Nalanda at Bihar Sharif.
4. The Sub Divisional Officer, Bihar Sharif, Nalanda.
5. The Block Supply Officer, Bind, Nalanda.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Prasad, Advocate.

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 12-06-2019

The present writ petition has been filed for quashing the order vide memo no. 46 dated 14.01.2019 issued by the Sub-Divisional Officer, Bihar Sharif, Nalanda whereby the petitioner's PDS license no. 01 of 2016 was suspended; and the order dated 27.03.2019 passed by the Sub-Divisional Officer, Bihar Sharif whereby and whereunder the said license has been cancelled; and for a direction to the respondents for revival of the license of the petitioner bearing license no. 01 of 2016 for the Village- Alinagar, Panchayat- Jamsari, Block-Bind.

2. Learned counsel for the petitioner submits that the license of the petitioner, who is a PDS dealer, had been suspended



only on the basis of the first information report instituted as Ben P.S. Case No. 05 of 2019. It is submitted that the conditions for suspension of the license in terms of Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 are not satisfied as the petitioner was neither behind bars nor was he a fugitive. The petitioner relies upon the order dated 07.03.2017 passed by a coordinate Bench of this Court in CWJC No. 16733 of 2016 in which an order of suspension of license was quashed on similar grounds.

3. None appears on behalf of the State when the matter is called.

4. In view of the further action by way of cancellation of the petitioner's license having already been taken, the issue relating to suspension of the license need not be gone into.

5. As regards the impugned order of cancellation dated 27.03.2019, it has been submitted that such order has been passed without appropriately considering the show cause reply of the petitioner.

6. A perusal of the order of cancellation *prima facie* discloses that the petitioner's show cause reply has been taken into consideration parawise and brief reasons assigned for not accepting the same.

7. In this view of the matter, this Court is not inclined to interfere with regard to the order of cancellation.



8. Needless to say, the petitioner shall be at liberty to approach the appropriate forum in accordance with law for redressal of his grievances.

9. The writ petition stands disposed of.

(Vikash Jain, J)

Ibrar/BT

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