

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14885 of 2019

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Awadhesh Sharma Son of Late Kedar Nath Singh Resident of Village-Bela
Tarari, Naubatpur, P.S.-Naubatpur, District-Patna-801109 (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The State of Bihar through District Magistrate, Patna
3. The Sub Divisional Officer Danapur, Patna
4. The Block Supply Officer Naubatpur, District-Patna
5. The Additional District Magistrate Supply, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Apurva 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 27-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner submits that in the
order dated 07.07.2018 as contained in Annexure '2' there is no
finding that the petitioner had either been arrested or gone
fugitive. He has relied upon a judgment of this Court passed on
06.03.2019 in C.W.J.C. No. 24130 of 2018 and it's analogous
cases (Laxman Jha @ Lakshman Jha Vs. The State of Bihar &
Ors.) in which this Court has held that in absence of any finding
to that effect the condition contained in Clause 28 (iii) of the
Bihar Targeted P.D.S. (Control) Order, 2016 is not satisfied, it
will render an order of suspension illegal. In view of the



aforesaid judgment, the order dated 07.07.2018 suspending the PDS Shop license of the petitioner is liable to be held illegal.

Learned counsel for the State submits that in the given facts and circumstances the matter may be remitted to the Sub-Divisional Officer (East), Muzaffarpur for a fresh consideration.

In the given facts and circumstances of the case, the order dated 07.07.2018 as contained in Annexure '2' to the writ application is hereby set aside and the matter is remitted to the Sub-Divisional Officer, Danapur, Patna (respondent no. '2') for a fresh consideration within a period of 90 days from the date of receipt/production of a copy of this order.

In the meantime the license and supply of the petitioner shall stand restored.

(Rajeev Ranjan Prasad, J)

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