

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2794 of 2020

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Rajan Kumar Son of Ram Chandra Prasad Resident of Pachrukhi Kothi,
Pachrukhi P.S. Akbarpur District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Patna.
2. The Subdivisional Officer Rajauli District- Nawada.
3. The Block Supply Officer Akbarpur District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal
	:	Mr. Pravin Kumar Sinha
	:	Ms. Preety Kunwar
For the Respondent/s	:	Mr.S.Raza Ahmad (Aag5)
	:	Mr. Alok Ranjan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-02-2020

1. The present writ petition has been filed for quashing the order dated 12.06.2019, passed by the Sub Divisional Officer, Rajauli, wheereby and whereunder the P.D.S. licence of the petitioner bearing licence no. 499 of 2013 has been cancelled on the ground that a First Information Report has been lodged against the petitioner on 10.06.2019 under ***Section 7 of Essential Commodities Act.***

2. The short issued raised by the petitioner is that the action of the respondent- Sub Divisional Officer, Rajauli is in violation of ***Rule 28 of the Bihar Targeted PDS (Control) Order, 2016***, which postulates that only in case, the P.D.S.



dealer is sent to jail or he become a fugitive, upon an F.I.R. being lodged, action is to be taken regarding suspension of his P.D.S. licence.

3. The learned counsel for the petitioner has submitted that in the present case, the F.I.R. was lodged on 10.06.2019, whereupon the petitioner was granted privilege of bail by the learned court below vide order dated 28.08.2019 and in the meantime, his P.D.S. licence has been suspended vide order dated 12.06.2019. It is thus the contention of the learned counsel for the petitioner that since the petitioner is neither behind bars nor a fugitive, his P.D.S. licence could not be suspended.

4. The learned counsel for the State has got no quarrel in law.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior counsel for the petitioner and the learned counsel for the respondents, this Court finds that the action of the Sub Divisional Officer, Rajauli, suspending the P.D.S. licence of the petitioner, is in violation of the provisions contained in ***Rule 28 of the Bihar Targeted PDS (Control) Order, 2016***, hence the impugned order dated 12.06.2019, passed by the Sub Divisional



Officer, Rajauli is quashed, however with liberty to the Sub Divisional Officer, Rajauli to proceed further in accordance with law.

6. The present writ petition stands allowed on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.02.2020
Transmission Date	NA

