

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7932 of 2020

Md. Samsad Alam, Son of Late Md. Kasim, Resident of Village - Parsouni Daxin, P.S.- Bisfi (Patauna O.P.), District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Civil Supplies, Patna.
2. The District Magistrate, Madhubani.
3. The Sub-Divisional Officer, Benipatti, District- Madhubani.
4. Block Supply Officer, Bisfi, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Ranjan, Advocate
For the State	:	Mr.Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 09-10-2020

Heard learned counsel for the petitioner and learned counsel for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof. Learned counsel for the State states that he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The present writ petition has been filed “for issuance of an appropriate writ/writs order/orders direction/directions to the respondents to revoke the suspension of PDS License No. 134 of 2016 of the petitioner as well as to set aside the order passed by the Sub-Divisional Officer,



Benipatti contained in Memo No. 108 dated 26.02.2020 whereby and whereunder merely on the ground of institution of the First Information Report the license of the petitioner has been suspended without affording the opportunity to the petitioner to be heard which is directly against the settled proposition of law of natural justice.”

3. Learned counsel for the petitioner submits that the licence of the petitioner, who is a PDS dealer, has been suspended only on the basis of the first information report instituted as Bisfi P.S.Case No. 59 of 2020. It is submitted that the conditions for suspension of the licence in terms of Clause 28 of the *Bihar Targeted Public Distribution System (Control) Order, 2016* are not satisfied as the petitioner is neither behind the bar nor he is fugitive. The petitioner relies upon the order dated 07.03. 2017 passed by the Coordinate Bench of this Court in CWJC No. 16733 of 2016 in which the order of suspension of licence was quashed for similar reasons. The petitioner's case stands on better footing inasmuch as final form has been submitted by the police exonerating the petitioner after due investigation as stated in paragraph-5 of the petition.

4. Heard Mr. Alok Ranjan on behalf of the respondent-State. He would be filing appearance slip in course of the day.



5. Having regard to the nature of the grievance of the petitioner and in view of the order dated 07.03.2017 passed by this Court in CWJC No. 16733 of 2016 in similar circumstances, the impugned order contained in memo no. 108 dated 26.02.2020 passed by the learned Sub-Divisional Officer, Benepatti (Annexure-1) is hereby quashed. The writ petition stands allowed.

6. Needless to say, the supply of the articles in terms of the Bihar Targeted Public Distribution System (Control) Order, 2016 shall be restored to the petitioner without delay.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/Ibrar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.10.2020
Transmission Date	N/A

