

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12295 of 2019

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Pramod Kumar Son of Suraj Paswan R/o Village-Shahdullahpur, P.S.-Lalganj,
District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Vaishali
2. District Magistrate, District-Vaishali
3. Sub-Divisional Officer-cum-Licensing Authority, Hajipur, District-Vaishali
4. District Supply Officer, Hajipur, District-Vaishali
5. Block Supply Officer, Lalganj, District-Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs.Bela Singh, Adv.
For the Respondent/s : Mr. Alok Ranjan, A.C. to AAG 5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-12-2020 Heard Mrs. Bela Singh, learned counsel for the

petitioner and Mr. Alok Ranjan, learned AC to AAG 5 through

Video Conferencing.

2. The petitioner in this writ petition seeks quashing
of memo no.103 dated 20.02.2019 (Annexure 2) passed by the
Sub-Divisional Officer-cum-Licensing Authority, Hajipur,
Vaishali whereby the P.D.S. licence of the petitioner being
Licence No.06 of 2016 was suspended with immediate effect
under the provisions of the Bihar Targeted Public Distribution
System (Control) Order, 2016 only on being institution of
Lalganj P.S. Case No.56 of 2019 on 13.02.2019 under Section 7
of the Essential Commodities Act.



3. The only question arises whether the Sub-Divisional Officer, Hajipur, Vaishali is authorised to suspend the licence of the petitioner merely on the ground of institution of an F.I.R? The Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 mandates that after institution of a criminal case against the licensee, if the licensee is sent to jail or the licensee becomes fugitive, the licence of the licensee is liable to be suspended and upon show-cause if the licensee does not satisfy the licensing Authority about his innocence, the licence can be cancelled but the conditions as enumerated in Rule 28 with regard to arrest of the licensee or the licensee becomes fugitive after institution of the case are not fulfilled and, therefore, the Sub-Divisional Officer has illegally suspended the license of the petitioner and thus, I find that the order dated 20.02.2019 (Annexure 2) suffers from illegality as the same is based on none-est ground and consequently the aforesaid order is set aside. The licence of the petitioner is ordered to be restored. The writ petition is allowed, accordingly.

(Prabhat Kumar Jha, J)

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