

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9483 of 2020

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Anand Shankar Prasad Son of Srinivas Prasad Resident of Maharana Pratap
Nagar, New Police Line Ara P.S. and P.O. Nawada District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Government
of Bihar New Secretariat Patna.
2. The District Magistrate Bhojpur Ara.
3. The Sub Divisional Officer, Ara Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 18-12-2020

Mr. Sanjeev Kumar Mishra, learned counsel for the
petitioner, has expressed his desire that matter be heard by the
Division Bench, as such, matter has been placed before the
Division Bench.

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“This writ petition is being filed with a prayer for issuance
of an appropriate writ in the nature of certiorari quashing the order
dated 25.09.2020 passed by the respondent no.3 by which the
licence no.51/2016 of the petitioner under Public Distribution
System has been suspended and the petitioner further prays to
restore the licence of the petitioner forthwith.”

Petitioner is a PDS licence dealer and on 22.9.2020 an



FIR was instituted under Section 3/7 of EC Act and $\frac{3}{4}$ of the Pandemic Act alleging that 874 bags of rice, 535 bags of wheat, 35 bags of pulse and 21 bags of gram was seized from one Dip Naraiyan Singh who disclosed that rice is from the shop of petitioner and accordingly, the shop was inspected and it was found that in the month of June there was no distribution and stock register was not maintained and pursuant to FIR, vide order dated 25.9.2020 passed by SDO, Piro, Bhojpur, the licence of the petitioner was suspended.

The petitioner has relied upon a judgment dated 30.03.2018 passed by this Court in a case of similar nature being CWJC No.2865 of 2018 (Baneshwar Uraon Versus the State of Bihar and Ors.) which is being reproduced hereinafter:-

The present writ petition has been filed for quashing of the order contained in memo no. 382 dated 13.11.2017 passed by learned Sub-Divisional Officer, Farbesganj, Araria by which the PDS licence of the petitioner being license no. 66N/2016 has been suspended.

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 Narpatganj P.S. Case No. 513 of 2017. 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.

Learned counsel for the respondents appears and has been heard.

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. 382 dated 13.11.2017 passed by learned Sub Divisional Officer, Farbesganj, Araria (Annexure-3) is hereby quashed. The writ petition stands allowed.

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.”

For the reasons as stated above, the writ petition is allowed and order dated 25.09.2020, passed by the respondent no.3 by which the licence no.51/2016 of the petitioner under Public Distribution System has been suspended, is quashed and respondent no.3, the Sub Divisional Officer, Ara Bhojpur is directed to restore the PDS licence of the petitioner.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2021
Transmission Date	NA

