

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18438 of 2019

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Dhaniklal Singh Yadav @ Dhanik Lal Yadav Son of Sri Laxmi Yadav
Resident of Village and P.O. Barha, P.S. Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The District Supply Officer, Madhubani.
5. Subdivisional Officer, Benipatti, District Madhubani.
6. Block Supply Officer, Benipatti, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-10-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

The present writ petition has been filed for quashing the order dated 03.04.2019, passed by learned Sub-Divisional Officer, Benipatti, by which the P.D.S. licence of the petitioner bearing Licence no. 63 of 2016 has been suspended with immediate effect, on account of filing of an F.I.R. against the petitioner herein.

The learned counsel for the petitioner has submitted



that the impugned order dated 03.04.2019, passed by learned Sub-Divisional Officer, Benipatti is contrary to ***Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016***, inasmuch the same prescribes that only in case, the licensee is sent to jail or he becomes fugitive, the P.D.S. licence can be suspended. However, in the present case, the petitioner has been granted anticipatory bail by an order dated 22.07.2019, passed by a co-ordinate Bench of this Court in Cr. Misc. no. 44960 of 2019, arising out Benipatti PS case no. 99 of 2019.

The learned counsel for the respondents does not dispute the fact as existing in law.

Having regard to the facts and circumstances of the case, this Court finds that the order dated 03.04.2019, passed by learned Sub-Divisional Officer, Benipatti is contrary to ***Clause 28 of the Bihar Targeted P.D.S. (Control) Order, 2016***, hence the same is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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