

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13788 of 2018

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Rambriksh Ram Son of Jagdev Ram, Resident of Village-Ward No. 08,
Birpur, P.S.-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector Madhubani.
3. The Sub-Divisional Officer Jainagar Madhubani.
4. The Block Supply Officer, Basopatti, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, S.C. 4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-02-2020 Heard learned counsel for the petitioner and learned
counsel for the respondent State.

The present writ petition has been filed for quashing
the order dated 31.10.2017 issued by the Sub Divisional Officer,
Jainagar, Madhubani, whereby and whereunder the license of
P.D.S. Shop of the petitioner bearing License No. 14 of 2016
has been suspended.

The learned senior counsel for the petitioner has
submitted that the FIR in question bearing Basopatti P.S. Case
No. 197 of 2017 was filed on 15.10.2017 under Section 7 of the
E.C. Act. It is submitted that thereafter, the license of the
petitioner has been suspended by the impugned order dated



31.10.2017 issued by the Sub Divisional Officer, Jainagar. It is further submitted that the petitioner has been granted bail by the learned Court of Sessions Judge, Madhubani by an order dated 27.03.2018 passed in B.P. No. 164 of 2018 which is Annexure-2 to the present writ petition. Hence, the petitioner is neither behind the bars nor a fugitive, hence, as per Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the license of the petitioner's PDS distributorship could not have been suspended.

The learned counsel for the State has submitted that as per Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the licence of a PDS Dealership can be suspended only in case the dealer is a fugitive or is behind the bar.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned senior counsel for the petitioner as also the learned counsel for the State, this Court finds that Clause 28 of the Bihar Targeted PDS (Control) Order, 2016 deals with a situation where FIR has been lodged against the PDS dealer, however, the same also postulates that the dealer in such a case should be either absconding or should have been declared a fugitive or should be



behind the bar, in case the licence is required to be suspended. However, in case the aforesaid three situations are not present, the licence cannot be suspended. In the present case, admittedly, the FIR was lodged on 15.10.2017, the PDS licence of the dealer was suspended on 31.10.2017 and the petitioner has availed the privilege of bail by an order dated 27.03.2018 passed by the learned Trial Court, hence, it is clear that the petitioner is neither behind the bar nor a fugitive, hence, the PDS licence of the petitioner could not have been suspended, inasmuch as the same is contrary to the provisions contained under Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016. In such view of the matter, this Court finds that the impugned order of suspension dated 31.10.2017, passed by the Sub Divisional Officer, Jainagar, is contrary to law, hence, is quashed. Consequently, any order passed subsequent to the passing of the impugned order dated 31.10.2017, would be deemed to be null and void.

The writ application stands allowed.

(Mohit Kumar Shah, J)

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