

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 5003 of 2021

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Gita Devi @ Geeta Devi, wife of Amrit Prasad Gupta, Resident
of village Amawan, P.S. Rajauli, District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Consumer
Protection Department, Government of Bihar, Patna.
2. The Sub-Divisional Officer, Rajauli, Nawada.
3. The Block Supply Officer, Rajauli, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Vijay Anand, Advocate.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

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22-09-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the order dated 05.05.2020 passed by the Sub-Divisional Officer, Rajauli whereby and where under the P.D.S. License of the petitioner bearing License No. 94 of



2017 has been suspended with immediate effect.

The learned Senior counsel for the petitioner, Shri N.K. Agrawal, assisted by Shri Vijay Anand, Advocate, has submitted that immediately on the very next day of filing of an FIR bearing Rajauli P.S. Case No. 181 of 2020 dated 04.05.2020, as against the petitioner, the PDS license of the petitioner has been suspended without affording an opportunity of hearing to the petitioner in as much as no show cause notice was ever issued prior to passing of the Order of suspension. Nonetheless, it is submitted that as per Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the life of an order of suspension is 180 days and an order of suspension cannot survive beyond a period of 180 days, hence the impugned order dated 05.05.2020 is fit to be set aside.

Per contra, the learned counsel for the respondent State, Shri Upendra Pratap Singh, AC to SC-4 has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the provisions contained in Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, this Court finds that firstly, the period of suspension of the PDS license of the petitioner has exceeded a pe



been passed, hence the impugned order dated 05.05.2020 cannot survive and secondly, no show cause notice was ever issued to the petitioner, prior to passing of the impugned Order of suspension inasmuch as the license of the petitioner was suspended on the very next day of filing of the FIR in question, thus the impugned order dated 05.05.2020, passed by the Sub-Divisional Officer, Rajauli stands vitiated in the eyes of law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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