

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 9033 of 2021

Harilal Sah Son of Late Rupan Sah resident of village - Balha Ward No. 13,
P.S. - Mansi, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Secretary Food and Civil Supply, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The District Magistrate, Khagaria.
5. The District Supply Officer, Khagaria.
6. The Licensing Authority Cum the Sub-Divisional Officer, Sadar, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)
: Mr. Alok Ranjan (AC to AAG 5)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 16-09-2021 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 petition has been filed for quashing of the order dated 04.05.2020, passed by the Sub-Divisional Officer, Sadar, Khagaria, whereby and whereunder the license of the petitioner bearing License no. 28M of 2007 has been suspended.



The short point raised by the petitioner for consideration is that as per ***Rule 28 of Bihar Targeted Public Distribution System (Control) Order, 2016***, the period of suspension cannot survive beyond a period of 180 days and during the said period of 180 days of suspension of the license, a final order has to be passed but the same has not been passed in the present case, hence the order dated 04.05.2020 stands vitiated in the eyes of law.

The learned counsel for the respondent-State submits that in case, it transpires subsequently that the final order has already been passed in the present case, liberty be granted to the respondents to move this Court for the purposes of modification/ recall of the order being passed today.

Liberty so sought, is granted.

Having regard to the facts and circumstances of the case and considering the provisions contained in ***Rule 28 of Bihar Targeted Public Distribution System (Control) Order, 2016***, this Court finds that the period of suspension of the P.D.S. license of the petitioner has exceeded a period of 180 days, however no final decision has been taken and secondly, the petitioner has already been granted the privilege of anticipatory bail which indicates that neither the petitioner is a



fugitive nor he has been sent to jail, hence, the impugned order dated 04.05.2020 stands vitiated in the eyes of law, thus is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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