

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6778 of 2020

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Krishun Devi @ Smt. Krishani Devi @ Smt. Kishani Devi Wife of Late Gudri
Yadav Resident of Village-Nanoura, P.S.-Keoti, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Supply
Government of Bihar, Patna.
2. The District Magistrate Cum Collector Darbhanga
3. The Sub-Divisional Officer Darbhanga.
4. The Block Supply Officer Keoti, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 24-11-2021 Reg:I.A. No. 1 of 2021

The present I.A. has been filed for amending the prayer
portion of the writ petition and now the petitioner seeks
quashing of the order dated 14.09.2018 passed by the licensing
officer-cum-Sub Divisional Officer, Sadar Darbhanga, whereby
and whereunder the PDS license of the shop of the petitioner
bearing License No. 54 of 2016 has been suspended.

The learned counsel for the respondent-State has got no
objection in case the present I.A. is allowed.

Accordingly, we allow I.A. No. 1 of 2021 and direct that



the writ petition shall stand amended accordingly.

Reg: CWJC No. 6778 of 2020

The present writ petition has been filed for quashing the order dated 14.09.2018 passed by the Licensing Officer-cum-Sub Divisional Officer, Sadar Darbhanga, whereby and whereunder the PDS license of the shop of the petitioner bearing license no. 54 of 2016, has been suspended.

The learned counsel for the petitioner has referred to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 to submit that the license of a licensee can be suspended only after serving a show cause notice to the licensee and that too in case the licensee has been put behind bars or is a fugitive, however, in the present case, the PDS license of the petitioner has been suspended by the impugned order dated 14.09.2018 on account of lodging of an FIR against the petitioner on 16.08.2018 without issuance of any show cause notice and without considering the fact that the petitioner is neither a fugitive nor has been put behind bars and in fact he has been granted anticipatory bail by the Hon'ble Patna High Court vide order dated 29.01.2019 passed in Criminal Misc. No. 4711 of 2019. It has further been submitted that though Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 mandates passing of the



final order and taking lawful action within a period of 180 days of suspension of the PDS license but despite lapse of more than 180 days, no final order has been passed, hence on this ground as well, the impugned order dated 14.09.2018 stands vitiated in the eyes of law.

Per contra, the learned counsel for the respondent-State has not disputed the position as is existing in law.

We have heard the learned counsel for the parties and perused the materials on record from which it is apparent that without issuance of any show cause notice the PDS license of the shop of the petitioner has been suspended by the impugned order dated 14.09.2018. We also find that the petitioner is neither a fugitive nor has been put behind bar and in fact he has been granted anticipatory bail by the Hon'ble Patna High Court, hence the license of the petitioner could not have been suspended and there is a clear breach of the provisions contained in Rule 28 of the Bihar Targeted PDS (Control) Order, 2016. We further find that despite lapse of 180 days from the day, the license of the petitioner was suspended till date, neither any final order has been passed nor any lawful action has been taken against the petitioner, hence the impugned order dated 14.09.2018 has lost its force.



Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, We find that the impugned order dated 14.09.2018 passed by the licensing officer-cum-Sub Divisional Officer, Sadar Darbhanga is unsustainable in the eyes of law, hence is quashed.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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