

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9962 of 2021

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Birendra Ravidas @ Virendra Ravidas S/o Late Mushahari Ravidas, Resident of Village-Fatma (Marui), Panchayat-Najardih, Block-Roh, P.S.-Nagar Thana, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Dept., Govt. of Bihar, Old Secretariat, Patna-800015
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Nawada.
4. The Sub Divisional Officer, Rajauli, District-Nawada.
5. The Block Supply Officer, Roh, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Adv.
For the Respondent/s: Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-11-2021 The present writ petition has been filed for quashing the order dated 24.08.2017 passed by the Sub-Divisional Officer, Rajauli, whereby and where under the license of the PDS shop of the petitioner bearing License No. 481/13 has been cancelled.

The Ld. Counsel for the petitioner, Shri Sidhendra Narayan Singh, submits that the license of the petitioner has been cancelled by the impugned order dated 24.08.2017 merely on the ground of lodging of an FIR bearing Nagar Thana (Kadirganj) P.S. Case No. 408 of 2017, dated 15.06.2017. It is further submitted that on account of lodging of the aforesaid FIR, the license of the petitioner was suspended merely



after two days of lodging of the FIR i.e. by an order 17.06.2017 passed by the Sub-Divisional Officer, Rajauli, de hors the provisions contained under Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, in as much as the petitioner was neither a fugitive nor had been sent to jail. It has also been submitted that the petitioner has been granted anticipatory bail by an order dated 5.4.2018 passed in Cr. Misc. No. 13216 of 2018. Lastly, it is submitted that since the impugned order dated 24.08.2017 has been passed de hors the provisions contained under Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016, the same stands vitiated in the eyes of law.

The learned counsel for the Respondent State, Shri Alok Ranjan, AC to AAG-5, has not disputed the position as is existing in law and has submitted that till date the license of the petitioner, which has been cancelled by the impugned order dated 24.08.2017, has not been reallocated to anybody else.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, this Court finds that the mandate of the provision contained in Rule 28 of the Order, 2016 has not been followed while



cancelling the license of the PDS shop of the petitioner by the impugned order dated 24.08.2017 passed by the Sub-Divisional Officer, Rajauli in as much as on the day of passing of the said order dated 24.08.2017, neither the petitioner was a fugitive nor he had been put behind the bar, thus the impugned order dated 24.08.2021 stands vitiated in the eyes of law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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