

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10006 of 2021

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Gita Devi @ Gita Kumari wife of Sri Surendra Prasad Yadav resident of
Village - Wajitpur, Panchayat- Khanwan, P.O./ P.S./ Block - Narhat, 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 District Magistrate, Nawada.
3. The District Supply Officer, Nawada.
4. The Superintendent of Police, Nawada.
5. The Sub Divisional Officer, Rajauli, District- Nawada.
6. The Block Supply Officer, Narhat, District - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh, Adv.
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

2 25-10-2021

The present writ petition has been filed for quashing the order dated 17.8.2020 passed by the Sub-Divisional Officer, Rajauli whereby and whereunder the PDS license of the shop of the petitioner bearing license no. 49/18 has been cancelled. The petitioner has also prayed for quashing of the order of suspension of the PDS license in question dated 25.2.2020.

The short ground raised by the learned counsel for the petitioner for assailing the impugned orders dated 25.2.2020 and 17.8.2020 is



that the PDS license of the petitioner was suspended merely one day after lodging of an FIR bearing Narhat P.S.Case No. 36 of 2020 under Section 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

It is submitted that as per the mandate of Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, the license of the petitioner could have been cancelled only if the petitioner was a fugitive or had been put behind bars, but as far as the present case is concerned, the petitioner was / is neither a fugitive nor has been put behind bars and on the contrary, the learned court below has been pleased to grant bail to the petitioner by an order dated 5.3.2020. It is thus submitted that the order of suspension dated 25.2.2020 has been passed contrary to the mandate of the provision contained under Rule 28 of the Bihar Targeted PDS (Control) Rule, 2016. Consequently, it is submitted that the order of cancellation dated 17.8.2020 is bad in the eyes of law.

The learned counsel for the Respondent-



State, Sri 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 fact that the petitioner is neither a fugitive nor has been put behind bars, this Court is of the view that especially in view of the fact that the petitioner has been granted bail by the learned court below vide order dated 5.3.2020, the learned Sub-Divisional Officer, Rajauli has erred by suspending the license of the petitioner by the impugned order dated 25.2.2020, inasmuch as the same is contrary to the provision contained under Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, thus, the impugned order dated 25.2.2020 is set aside, being unsustainable in the eyes of law. Since the order of suspension of the PDS license of the petitioner has already stood quashed, the final order dated 17.8.2020, cancelling the PDS license of the petitioner, which is in furtherance of the order of suspension dated 25.2.2020, also stands vitiated in the eyes of law, hence, the same is also set aside.



The writ petition stands allowed.

(Mohit Kumar Shah, J)

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