

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11032 of 2021

Harakhachnd Tiwari @ Harsh Chand Tiwari S/o Ramamangal Tiwari
Resident of Village-Sematar, P.S.-Guthani, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna
2. The Collector, Siwan.
3. The Sub-Divisional Officer, Siwan.
4. The Block Supply Officer, Guthani, District-Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr.Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2021 Heard.

The present writ petition has been filed for quashing of the order dated 13.08.2020 passed by the Sub-Divisional Officer-cum- Licensing authority, Siwan Sadar, whereby and where under the license of the petitioner bearing License No. 246 of 2016, has been suspended.

The Ld. Counsel for the petitioner, Shri Dhananjay Nath Tiwari, has submitted that though a period of 180 days has already expired, the final order has not yet been passed, as is mandatory under Rule 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the Order, 2016) and moreover, neither the petitioner has been put behind bars nor he is a fugitive in as much as in the pending criminal case, he has



already been granted anticipatory bail by an order dated 25.3.2021 passed by the learned Additional District and Sessions Judge, Siwan, in a case arising out of Guthani P.S. Case No. 154 of 2020.

The learned counsel for the Respondent State, Shri Alok Ranjan, AC to AAG-5, has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the mandate of Rule 28 of the Order 2016, this Court finds that firstly the period of suspension of the license of the petitioner has already surpassed 180 days and no final action has been taken, hence, the impugned order dated 13.8.2020 passed by the Ld. S.D.O., Siwan, is unsustainable in the eyes of law and secondly since the petitioner has already been granted bail and he has neither been put behind bars nor he is a fugitive, the order of suspension of the P.D.S. license of the petitioner dated 13.8.2020 contrary to the provision contained in Rule 28 of the Order, 2016, thus the same stands vitiated in the eyes of law.

At this juncture, the learned counsel for the Respondent State submits that in case the final order has been passed by the Subdivision Officer, Siwan Sadar, then the respondent State be granted liberty to approach this Court for



modification of the present order. Liberty so sought is granted.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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