

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7534 of 2020

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Rajesh Kumar Tanti @ Rajesh Kumar, aged about 38 years, Male, Son of Yamani Mohan Das, Resident of Village-Garju Thakur Lane near Bisahari Sthan, P.S. Nath Nagar, District Bhagalpur, Charmain of PACS running in the Name Champa Nagar P.C.C. Store Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bhagalpur.
2. The Sub-Divisional Officer, Sadar Bhagalpur, Dist. Bhagalpur.
3. The In-charge Marketing Officer, Urban Reason Bhagalpur, District Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Senior Advocate
		Mr.Manoj Kumar Pandey, Advocate
For the Respondent/s	:	Mr.Kumar Alok, S.C.7

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-02-2021 Heard Mr. N.K. Agrawal, learned senior counsel assisted by Mr. Manoj Kumar Pandey, learned counsel for the petitioner and Mr. Kumar Alok, learned S.C.7.

The present writ petition has been filed for quashing of the order contained in Memo No.866 (Aa) dated 16.10.2019 passed by learned Sub Divisional Officer, Sadar, Bhagalpur by which the P.D.S. licence of the petitioner being license no.2 of 2016 has been suspended.

Learned senior counsel for the petitioner submits that the licence of the petitioner, who is a P.D.S. dealer, has been suspended only on the basis of the first information report instituted as Nathnagar P.S. Case No.509 of 2019. It is submitted that the condition for suspension of the licence in terms of Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 are not satisfied as



the petitioner is neither behind the bar nor he is fugitive. The petitioner relies upon the order dated 07.03.2017 passed by Co-ordinate Bench of this Court in C.W.J.C. No.16733 of 2016 in which the order of suspension of licence was quashed for similar reasons.

Learned counsel for the respondents appears and submits that there is provision of an appeal so the petitioner may be directed to file an appeal before the concerned authority.

Having regard to the nature of the grievance of the petitioner and in view of the order dated 07.03.2017 passed by this Court in C.W.J.C. No.16733 of 2016 in similar circumstances, the impugned order contained in Memo No. 866 (Aa) dated 16.10.2019 passed by learned Sub Divisional Officer, Sadar, Bhagalpur (Annexure-1) is hereby quashed and writ petition is allowed.

Needless to say, the supply of the articles in terms of the Bihar Targeted Public Distribution System (Control) Order, 2016 shall be restored to the petitioner without delay.

(Anjani Kumar Sharan, J)

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