

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7930 of 2020

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Muneshwar Ray @ Muneshwar Prasad Ray Son of Rambilas Ray Resident
of Village- Narayanpur, P.O.- Rahampur Basant, P.S.- Garkha, District-
Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. Principal Secretary Food and Consumer Protection Department,
Government of Bihar, Patna.
3. The Divisional Commissioner, Saran Division, Chapra.
4. The District Magistrate, Saran at Chapra, District- Saran at Chapra.
5. The Sub- Divisional Officer, Sadar Chapra, District- Saran at Chapra.
6. The Block Development Officer, Garkha, District- Saran at Chapra.
7. The Block Supply Officer, Garkha, District- Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar Manglam, Adv.
For the State : Mr. Arvind Ujjawal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 12-03-2021

Heard learned counsel for the petitioner and learned
counsel for the State. Learned counsel for the petitioner has filed an
undertaking to remove all defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within one
month hereof.

2. The following reliefs as formulated by the petitioner
have been claimed in the writ petition –



“(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 25.08.2020 issued under the signature of Respondent No. 5 and contained in his memo no. 5147 dated 25.08.2020 whereby and whereunder the Respondent no. 5 had been pleased to cancel the Public Distribution System (hereinafter referred to as P.D.S.) license of the petitioner on a ground fabricated by the respondents themselves.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the respondent authorities for restoration of petitioner’s license as also for supply of food grains/essential commodities for the consumers attached with the shop of the petitioner.

(III) For issuance any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the licence of the petitioner, who is a PDS dealer, has been suspended only on the basis of the first information report instituted as Garkha P.S. Case No. 520 of 2019. It is submitted that the conditions 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 the Coordinate Bench of this Court in CWJC No. 16733 of



2016 in which the order of suspension of licence was quashed for similar reasons.

4. Learned counsel for the respondents appears and has been heard.

5. 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 CWJC No. 16733 of 2016 in similar circumstances, the impugned order contained in memo no. 5147 dated 25.08.2020 passed by learned Sub-Divisional Officer, Sadar Chapra, District-Saran at Chapra (Annexure P-7) is hereby quashed. The writ petition stands allowed.

6. 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.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.03.2021
Transmission Date	N.A.

