

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8183 of 2020

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Baleshwer Prasad Yadav Son of Badho Yadav, Resident of Village - Aropur,
Village Panchayat - Aropur, Police Station - Tankuppa, District Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Tankuppa, Dist. Gaya.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Respondents : Mr. Prashant Pratap, GP-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 26-03-2021

Heard learned counsel for the petitioner and learned counsel for the respondents. 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 present petition has been filed *"for quashing the order dated 31.03.2020 contained in Memo No. 372 by which the learned Sub-Divisional Officer, Sadar Gaya has suspended the License No. 09/16 of the petitioner contrary to Clause 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 only on the ground of F.I.R. when the petitioner not sent to jail or gone fugitive; and further for a*



direction to the respondent no. 3 to continue allocation to the Public Distribution System shop of the petitioner."

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 Tankuppa P.S. Case No. 27 of 2020. 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 bars nor is he a 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. 372 dated 31.03.2020 passed by learned Sub-Divisional Officer, Sadar Gaya (Annexure-1) 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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