

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8314 of 2020

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Ranjit Singh, aged about 67 years, Son of Bhudev Singh, Resident of Village-
Chakhfaj, P.s.- Mahanar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Vaishali
2. The Sub Divisional Officer, Mahanar, District- Vaishali.
3. The Block Supply Officer, Sahdeye Bujurg.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N. K. Aggrawal, Sr. Advocate.
For the Respondent/s : Mr. Gyan Shankar, A.C. to G.P.-2.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 04-02-2021

Heard Mr. N. K. Aggrawal, learned senior Counsel for
the petitioner and Mr. Gyan Shankar, learned A.C. to G.P.-2
appearing for the State.

The present writ application has been filed for quashing
the order dated 21.04.2020 contained Memo No.272 passed by
Sub Divisional Officer, Mahanar, District-Vaishali, respondent
No.2, by which the PDS license of the petitioner has been
suspended invoking Clause 28 of the Bihar Targeted Public
Distribution System (Control) Order, 2016 (hereinafter referred to
as the PDS Control Order).

Learned senior counsel for the petitioner submits that
the impugned order is not sustainable in the eyes of law inasmuch



as suspension of the PDS license of the petitioner has been passed in violation of Clause 28 of that Act. Learned senior counsel referring to Clause 28 submits that the licence can only be suspended, if the petitioner is sent to jail or he has been declared as fugitive. Learned counsel next submits that an FIR was lodged by the Block Supply Officer bearing FIR No.84 of 2020 in connection with Deshri (Sahdei) O.P. P.S. Case No.84 of 2020 in which the petitioner was granted bail on the date of surrender vide order dated 10.07.2020 and he was never sent to the jail and not declared fugitive. Learned counsel next submits that since the date of the impugned order, more than 180 days has lapsed and as per Clause 28 of PDS Control Order, the validity of suspension order is 180 days. Learned senior counsel in support of his submission relies upon two orders passed by the Coordinate Benches of this Court in C.W.J.C. No.16733 of 2016 and C.W.J.C. No.7162 of 2017.

On the other hand, learned counsel appearing for the State referring to the counter affidavit submits that after the suspension of license of the petitioner, a show cause notice has been issued for cancellation of the license of the petitioner on the ground that he has violated the Government orders/ directions issued in wake of Covid-19 pandemic period. Learned counsel, however, submits that further development pursuant to the show



cause notice is not available with him and the authority may be given liberty to go ahead with the process of cancellation in accordance with law.

I have heard learned counsel for the parties and taking into consideration Clause 28 of the PDS Control Order and the fact that the petitioner was not arrested at any point of time and has also not been declared fugitive and further taking into consideration the orders passed, mentioned hereinabove, by the coordinate Benches of this Court, I come to the conclusion that impugned order dated 21.04.2020, contained Memo No.272 passed by Sub Divisional Officer, Mahanar, District-Vaishali, is not sustainable in the eye of law and is hereby quashed.

It is made clear that the process of cancellation, if at all has been initiated and is still pending, the same may proceed in accordance with law.

(Anil Kumar Sinha, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10/02/2021
Transmission Date	NA

