

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8496 of 2020

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Krishna Kumar Paswan Son of Parmeshwar Paswan Resident of Ward No 6,
Gram- Ughra, P.O.- Ughra, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Patna.
2. The Collector, Darbhanga.
3. The Sub Division Officer/ Licensing Authority, Darbhanga.
4. The Circle Officer, Sadar, Darbhanga.
5. The Block Supply Officer, Bahadurpur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md.Imteyaz Ahmad, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

4 24-11-2021 The present petition has been filed for quashing the order dated 26.06.2020 passed by the Sub-Divisional Officer, Sadar Darbhanga, whereby and whereunder the PDS license of the shop of the petitioner bearing License No. 20 of 2018 has been suspended merely on account of lodging of an FIR against the petitioner.

The learned counsel for the petitioner has referred to Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 to submit that in case an FIR is lodged against a licensee, his license shall be suspended by the licensee only in case he is sent to jail or he



goes fugitive, however, in the present case neither the petitioner has been sent to jail nor he is a fugitive. It is further submitted that as per Rule 28 of the Bihar Targeted PDS (Control) Order 2016, the licensing authority has to pass the final order and take a lawful action within 180 days of suspension of the license of a licensee, however, in the present case more than 180 days has lapsed but no final decision has been taken, hence the order of suspension dated 26.06.2020 stands vitiated in the eyes of law.

Per contra, the learned counsel for the respondent-State has not disputed the position as is existing in law.

We have heard the learned counsel for the parties and perused the materials on record from which it is apparent that without issuance of any show cause notice, the license of the petitioner has been suspended by the impugned order dated 26.06.2020, hence admittedly the principles of natural justice has been violated. It is further apparent that the petitioner has already been granted bail in the pending criminal case apart from the fact that despite lapse of 180 days from the order of suspension of the PDS license of the petitioner, no final order has been passed, hence the impugned order dated 26.06.2020, whereby and whereunder the PDS license of the petitioner was suspended, has already lost its force.



Having regard to the facts and circumstances of the case and for the grounds mentioned herein above, we are of the view that the impugned order dated 26.06.2020 passed by the Sub-Divisional Officer, Sadar Darbhanga is not sustainable in the eyes of law, hence is quashed.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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