

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8895 of 2020

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Shambhu Prasad, Male, aged about 38 years, Son of Laxmi Prasad, Resident of Village-Sobhan Shankarpur, Post-Lalshahpur, Police Station- Simri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Secretary, Food and Civil Supply, Government of Bihar, Patna
3. The Divisional Commissioner, Darbhanga
4. The District Magistrate, Darbhanga.
5. The District Supply Officer, Darbhanga.
6. The Licensing Authority Cum The Sub-Divisional Officer, Sadar, Darbhanga.
7. The Block Supply Officer, Bahadurpur, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Respondent/s : Mr. S Raza Ahmad, AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 21-12-2021

Heard learned counsel for the parties.

The present writ petition has been filed for quashing of the order dated 27.08.2020, passed by the Sub-Divisional Officer, Sadar, Darbhanga, whereby and whereunder the license of the petitioner bearing License no. 35/2018 has been suspended.



The short point raised by the petitioner for consideration is that as per Rule 28 of Bihar Targeted Public Distribution System (Control) Order, 2016, the period of suspension cannot survive beyond a period of 180 days and during the said period of 180 days of suspension of the license, a final order has to be passed but the same has not been passed in the present case, hence the order dated 27.08.2020 stands vitiated in the eyes of law.

The learned counsel for the respondent-State submits that in case, it transpires subsequently that the final order has already been passed in the present case, liberty be granted to the respondents to move this Court for the purposes of modification/ recall of the order being passed today.

Liberty so sought, is granted.

Having regard to the facts and circumstances of the case and considering the provisions contained in Rule 28 of Bihar Targeted Public Distribution System (Control) Order, 2016, this Court finds that the period of suspension of the P.D.S. license of the petitioner has exceeded a period of 180 days, however no final decision has been taken and secondly, the petitioner has already been granted the privilege of bail which indicates that neither the petitioner is a fugitive nor he has been



sent to jail, hence, the impugned order dated 27.08.2020 stands vitiated in the eyes of law, thus is quashed.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

