

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 15187 of 2021

Denesh Mahaseth alias Dinesh Mahaseth S/o Late Thakkan Mahaseth, resident of Mohalla Rahamganj, Ward No.34. Post Lalbagh, P.S. Laheriasarai, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Licensing Officer-cum- Sub-Divisional Officer, Sadar, Darbhanga.
5. The Assistant District Supply Officer, Darbhanga.
6. The Block Block Supply Officer, Manigachhi, Darbhanga.

... .. Respondent/s

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Appearance:

For the Petitioner/s :Mr. Kaushalesh Choudhary, Advocate

For the Respondent/s :Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

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16-09-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the p



tion on account of COVID 19

Pandemic, requiring social distancing.

The present writ petition has been filed seeking quashing of the order dated 02.05.2020 passed by the Licensing Officer-cum-Sub-Divisional Officer, Sadar, Darbhanga, whereby and where under the PDS license of the petitioner bearing License No. 117 of 2016 has been suspended on account of an FIR bearing Laheriasarai P.S. Case No. 233 of 2020 dated 30.04.2020 being lodged against the petitioner herein.

The short point raised by the learned counsel for the petitioner in the present case is that as per Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, a license can be suspended, in case any criminal case is pending against the licensee and he is sent to jail or he goes fugitive and moreover, the license can be suspended only for a period of 180 days, within which period the final order is required to be passed. It is further submitted that the order of suspension cannot survive after a period of 180 days and in fact during the said period of 180 days of suspension of license, the final order is required to be passed which has not been passed in the present case.

The learned counsel for the Respondent State, Shri Upendra Prat:



o SC-4 has not disputed the

position as is existing in law.

Having regard to the facts and circumstances of the case and considering the provisions contained in Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, this Court finds that the period of suspension of the PDS license of the petitioner has exceeded a period of 180 days, however, no final Order has been passed, hence, the impugned order dated 02.05.2020 passed by the Licensing Officer-cum- Sub-Divisional Officer, Sadar, Darbhanga, suspending the license of the petitioner, is bad in law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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