

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1313 of 2021

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Sudhira Devi Wife of Durganand Sah, Resident of Village - Haripur, P.S.
Pandauly, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhubani.
2. The Sub-Divisional Officer, Sadar Madhubani District Madhubani.
3. The Block Supply Officer Pandauly, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Manoj Kumar Pandey, Adv. Ms. Preety Kunwar, Adv.
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-11-2021 Heard.

The present petition has been filed seeking quashing of the order dated 01.10.2020 passed by the Sub-Divisional Officer, Sadar Madhubani, whereby and where under the PDS license of the shop of the petitioner bearing License No. 60 of 2017 has been suspended.

The Ld. Senior counsel for the petitioner, Shri N.K. Agrawal, assisted by Ms. Preety Kunwar, Advocate, has raised two issues for consideration, firstly that though the show cause notice dated 22.08.2020 does not contain any proposal for suspension/cancellation of the license, but by the impugned order dated 01.10.2020 the license of the petitioner has been



suspended and secondly, as per the mandate of the provisions contained in Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the 'Order, 2016'), a license can be suspended only in case of lodging of an FIR and that too if the licensee becomes a fugitive or has been sent behind bar, but in any other situation or in case of violation of any provisions of the aforesaid Order, 2016 as also in case of commission of any illegalities/ irregularities, the license can only be cancelled under Rule 27, thereof.

The Ld. Counsel for the Respondent State, Shri Alok Ranjan, AC to AAG-5 has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned senior counsel for the petitioner, this Court finds that the Sub-Divisional Officer, Sadar Madhubani has exceeded his jurisdiction by suspending the license of the petitioner, although no FIR has been lodged against the petitioner and moreover, Rule 27 of the Order, 2016 mandates cancellation of license, in case of violation of the provisions of the Order 2016 or in case of commission of any illegality or irregularity on the part of the licensee, hence the license of the petitioner could not have been



suspended, more so after issuance of a show cause notice dated 22.08.2020, not containing any proposal for suspension/cancellation of the license, hence, the impugned order dated 1.10.2020 stands vitiated in the eyes of law, thus is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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