

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1213 of 2021

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Tej Narayan Prasad son of Late Mahavir Prasad resident of Village- Kamalpur,
Ward No. 18 Mathurapur, P.S. and District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Supply, Govt. of Bihar,
Patna.
3. The District Magistrate, Khagaria.
4. The S.D.O. Khagaria.
5. The District Supply Officer, Khagaria.
6. The Block Supply Officer Khagaria, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Adv.
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

2 24-03-2021 The present petition has been filed for quashing the

order dated 04.05.2020 passed by the Sub-Divisional Officer,

Khagaria, whereby and where-under Fair Price Shop licence

bearing licence No. 78K of 2007 has been suspended merely on

the basis of lodging of an FIR against the petitioner.

The learned counsel for the petitioner has submitted

that firstly the petitioner is neither an absconder nor is a fugitive

inasmuch as he has already been granted anticipatory bail by the

learned court below by an order dated 02.07.2020 passed by the

learned A.D.J.- IV, Khagaria in A.B.P. No. 226 of 2020 and

secondly the order of suspension cannot survive beyond a period



of 180 days, as is mandated by Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, however, in the present case though more than 180 days have lapsed since the licence of the Fair Price shop of the petitioner was suspended, no final order has been passed till date, hence, the impugned order dated 04.05.2020 stands vitiated.

The learned counsel for the respondents has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and the materials available on record, this Court finds that first of all the impugned order dated 04.05.2020, suspending the licence of the Fair Price Shop of the petitioner has lost its force inasmuch as more than 180 days have lapsed since the order of suspension was passed on 04.05.2020, however, no final order has been passed till date, hence the same is contrary to the provisions contained in Rule 28 of the Bihar Targeted PDS (Control) Order, 2016, thus the same stands vitiated, hence the order dated 4.5.2020, passed by the Sub-Divisional Officer, Khagaria is quashed.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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