

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 16031 of 2021

1. Birendra Kumar son of Moti Singh, Resident of Village- Solara, Village Panchayat Solara, Police Station- Paraiya, District Gaya.

2. Vijay Ravidas @ Bijay Ravidas son of Ram Krit Ram, Resident of Village- Naua, Village Panchayat Solara, Police Station- Paraiya, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.

2. The District Magistrate, Gaya.

3. The Sub-Divisional Officer, Tikari, Gaya.

5. The Block Block Supply Officer, Paraiya, District Gaya.

... .. Respondent/s

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Appearance:

For the Petitioner/s :Mr. Binay Kumar, 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 prevailing situation of COVID 19 Pandemic,



requiring social distancing.

The present writ petition has been filed seeking quashing of the order dated 22.04.2020 passed by the Sub-Divisional Officer, Tikari, Gaya, whereby and whereunder the PDS license of the petitioners bearing License No. 04/16 and 31/16 have been suspended on account of an FIR bearing Paraiya P.S. Case No. 65 of 2020 dated 19.04.2020 having been lodged against them.

The short point raised by the learned counsel for the petitioners 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 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 has to be passed, which has not been passed in the present case.

The learned counsel for the Respondent State, Shri Upendra Pratap Singh, AC to 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 license of the petitioner has exceeded a period of 180 days, however, no final decision has been taken, hence, the impugned order dated 22.04.2020, passed by the Sub-Divisional Officer, Tikari, Gaya, suspending the license of the petitioners is contrary to Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, thus is bad in law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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