

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3068 of 2021

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Virendra Kumar Chaudhari S/o Baidhnath Chaudhari R/o Chandwara, Amrud
Bagan Jail Chowk, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Food and Consumer Protection
Department, Bihar, Patna.
2. The Collector Muzaffarpur.
3. The Sub- Divisional Officer (East), Muzaffarpur.
4. The District Supply Officer Muzaffarpur.
5. The Marketing Officer Urban Area, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 14-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“That this application is being filed
for the issuance of appropriate writ/writs,
order/orders, directions to the respondents



concerned, and for quashing of the order contained in memo no. 2628 dated 18.08.2020 passed by the Learned Sub-Divisional Officer, (East) Muzaffarpur by which the PDS License of the petitioner being license no. 23-17-42-06/2016 has been suspended in contravention of Rule-28 of Targeted P.D.S. Control Order, 2016 on the ground because the order dated 18.08.2020 has been passed without recording any finding that the petitioner was either absconding or has gone fugitive after lodgement of the F.I.R. being Mithanpura P.S. Case No. 132/2020 under section 7 of the E.C. Act.”

It is submitted on behalf of the petitioner that PDS license of the petitioner was suspended vide order dated 18.08.2020 passed by the Sub Divisional Officer, (East), Muzaffarpur, for the reasons that he was made accused in a case instituted under Section 7 of the E.C. Act. It is further submitted that in terms of Rule 28 of Bihar Targeted Public Distribution System (Control) Order, 2016, the competent authority/the licensing authority/Sub-Divisional Officer has to pass an order within 180 days from the date of suspension and even after four years, no order has been passed by the licensing authority.

As such, petitioner is permitted to file a representation before the Sub Divisional Officer, (East), Muzaffarpur, who is licensing authority and has suspended the licence of the petitioner within a period of four weeks and, thereafter, in terms of the provision of Rule 28 of the aforesaid Rules, the licensing



authority shall pass an appropriate order within a period of eight weeks thereafter.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	21.12.2021
Transmission Date	

