

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20312 of 2019

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Hirday Narayan Singh, S/o Late Swarath Singh, Resident of Village- Kuhila,
P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Nawada.
3. The Sub- Divisional Officer, Rajauli, Nawada.
4. The Block Supply Officer, Akbarpur, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-03-2021 The present petition has been filed for quashing the order dated 07.08.2019 passed by the Sub-Divisional Officer, Rajauli, Nawada, whereby and whereunder the PDS shop license of the petitioner has been suspended.

The learned counsel for the petitioner submits that according to the provisions contained in Rule 28 of the Bihar Targeted PDS Control Order, 2016, a lawful action has to be taken within a period of 180 days from the date of suspension of the license and the license cannot remain in perpetual suspension. It is further submitted that the license of the petitioner was suspended on 07.08.2019, however, till date no final order has been passed and more than 180 days have



elapsed from the date of suspension, hence the impugned order dated 07.08.2019, be set aside.

The learned counsel for the respondent-State has not controverted the aforesaid provision of law contained under Rule 28 of the Bihar Targeted PDS Control Order, 2016.

Having heard the learned counsel for the parties and having considered the materials on record, this Court finds that more than 180 days have elapsed since the suspension of the license of the petitioner, however, no final order has been passed, hence considering the provision contained under Rule 28 of the Bihar Targeted PDS Control Order, 2016, I find that the order dated 07.08.2019 passed by the Sub-Divisional Officer, Rajauli, Nawada, whereby and whereunder the license of the petitioner has been suspended, has stood vitiated in the eyes of law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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