

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6616 of 2021

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Laxmi Mukhiya son of Late Thakan Mukhiya, Resident of Village- Hariraha,
Ward No. 14, P.S.- Karjain, District- Supaul.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Collector, Supaul.
3. The District Supply Officer, Supaul.
4. The Sub-Divisional Officer, Birpur, Supaul.
5. The Block Supply Officer, Raghobpur, Birpur, Supaul.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Pawan Kumar
For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 16-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

2. The petitioner has put to challenge an order dated 10.10.2018 issued by the Sub-Divisional Officer, Birpur, whereby his license to run a P.D.S. shop under Bihar Targetted Public Distribution System (Control) Order, 2016 ('Control Order' in short) has been put under suspension in exercise of



power under Rule 28 of the Control Order.

3. The petitioner does not dispute the fact that a First Information Report was registered against him giving rise to Karjain P.S. Case No. 107/2018 on 18.09.2018. The impugned order was passed on 10.10.2018, as the petitioner was found to be evading his arrest. It is the petitioner's case that he surrendered before the Court in the criminal case on 05.11.2018 and he was granted regular bail on the same day.

4. Learned counsel appearing on behalf of the petitioner has submitted that despite completion of 180 days from the date of passing of the impugned order, neither the suspension of license has not been revoked nor any action has been initiated for cancellation of license.

5. From perusal of the pleadings in the writ petition, it is evident that the only relief sought for by the petitioner is to quash the said order dated 10.10.2018, whereby the petitioner's license has been suspended. In our opinion, the impugned order cannot be said to be in violation of the provisions of Rule 28 of the Control Order, which mandates suspension of license, if a licensee goes fugitive. This is an admitted fact that the petitioner was not traceable after lodging of the FIR. It is the petitioner's case that he had gone to Nepal for treatment. It is admitted thus



that without any information or requisite application as contemplated under Rule 15(ii) of the BTPDS (Control) Order, 2016, the petitioner remained absent jeopardizing the public distribution system through his shop for which licence was granted. There is no illegality in the impugned order, in our opinion.

6. We do not find any merit in this writ application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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