

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10673 of 2021

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Mahendra Prasad Yadav Son of Sukhdeo Yadav Resident of village- Kuwatol,
Gram Panchayat, Harree, P.s.- Marauna, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Supaul
3. The District Supply Officer, Supaul
4. The Assistant District Supply Officer, Nirmali, Distt.- Supaul
5. The Sub Division Officer Nirmali, Distt.- Supaul
6. The Block Supply Officer, Marauna, P.s.- Marauna, Distt.-Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 08-02-2022 The matter has been heard via video conferencing.

The writ petition has been filed for quashing the order dated 09.05.2020 passed by the Sub-Divisional Officer, Nirmali, Supaul, whereby and where-under the license of the P.D.S. shop of the petitioner bearing License No. 58 of 2016 has been suspended.

The short point raised by the learned counsel for the petitioner is that as per Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the period of



suspension cannot survive beyond a period of 180 days and during the said period of suspension of the license, a final order has to be passed but the same has not been passed in the present case, hence, the impugned order dated 09.05.2020 stands vitiated in the eyes of law. It is further submitted that as per the provision contained in Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, the license of the P.D.S. shop can be suspended by the Licensing authority, if an FIR is lodged against the licensee under the Essential Commodities Act, 1955 or for any other criminal case in which the said licensee is sent to the jail or he goes fugitive, however, in the instant case though the FIR was lodged against the petitioner bearing Marauna P.S. Case No. 57 of 2020, but the police has filed final form dated 03.09.2020 (Annexure-4 to the writ petition), finding the petitioner to be innocent, hence, it is submitted that neither the petitioner has been sent to jail nor he is a fugitive, thus, on this ground as well, the impugned order of suspension dated 09.05.2020 is bad in law.

We have heard the learned counsel for the parties and gone through the materials on record. We find upon considering the provision contained in Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 that the petitioner is



neither a fugitive nor has been sent to jail and instead final form has already been submitted in the connected criminal case, finding the petitioner to be innocent and moreover, the period of suspension of license of the petitioner has exceeded 180 days, nonetheless, no final decision has been taken, hence, the impugned order dated 09.05.2020 stands vitiated in the eyes of law, thus is quashed.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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