

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7963 of 2022

Shivkala Devi, W/o of Shree Devendra Choudhary Resident of Village-
Chandra Sainpur, Satlakha (Hussainpur) Police Station- Rahika, District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The Divisional Commission Darbhanga.
3. The District Magistrate Madhubani.
4. The Sub Divisional Officer Sadar, Madhubani.
5. The Block Supply Officer Rahika, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 10-08-2022 Heard learned counsel for the petitioner and the

State.

For certain complaints against the working of the

PDS shop of the petitioner, his licence appears to have been



suspended and the beneficiaries have been tagged to other PDS dealer.

The learned counsel for the petitioner has raised a preliminary objection that under Section 27 of the Act, his licence could have been cancelled if it was found that he had violated the terms of the licence.

There is no provision under the Control Order of 2016 for suspension of the licence of the petitioner.

For the Licensing Authority to take a final decision in the matter, the order dated 28.11.2020 is set aside.

The matter is remitted to the Licensing Authority to issue a fresh notice to the petitioner, which shall be responded by him within a period of 30 days of the receipt of such notice, which shall be sent to him within 30 days of the receipt/production of a copy of this order.

After eliciting the response of the petitioner and giving him sufficient time to present his cause, a final order shall be passed by the Licensing authority giving reasons in support of the same.

Till such time, the order directing for tagging of the



beneficiaries to another PDS dealer shall continue.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Skm/uttam/-

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