

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20937 of 2021

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Naveen Kumar S/o-Ram Babu Chaudhary, Resident of Village-Near Ganjpar,
Bankipur Gorakh, P.S.-Fatuha, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Patna City.
4. The Block Supply Officer, Fatuha.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate Ms. Preety Kunwar, Advocate
For the Respondent/s	:	Mr. Anisul Haque, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 21-02-2022

Heard Mr. N.K. Agrawal, learned Senior

Advocate for the petitioner and Mr. Anisul Haque for the

State.

The petitioner is aggrieved by the order dated 28.07.2020, passed by the Sub-divisional Officer, Patna City, whereby the targeted consumers of the petitioner have been tagged with another PDS Dealer, namely, Sanjay Kumar, bearing Licence No.2/2016.



Mr. Agrawal contends that without initiating any proceeding against the petitioner, i.e., without suspending his licence and issuing notice to him, the consumers attached to the petitioner's shop could not have been tagged to another PDS dealer.

From the impugned order, it appears that pursuant to an FIR having been registered against the petitioner, he absconded. This was the reason for the respondent S.D.O. to tag the consumers to another PDS Dealer of the locality.

Mr. Agrawal further submits that as on date, the petitioner is on bail and, therefore, is not a fugitive. Before taking the decision of tagging the consumers of the petitioner to another PDS Dealer, the proceeding against the petitioner ought to have begun and concluded.

There is no justification for not taking any action against the petitioner in case an FIR was lodged against him under the E.C. Act.



The respondents are directed to initiate appropriate proceedings against the petitioner under the Bihar Targeted Public Distribution System (Control) Order, 2016 and take a decision within the stipulated period of 180 days.

With the aforesaid direction, the writ petition stands disposed of.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

