

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.219 of 2022

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Ram Kishore Singh S/o Late Jagdish Prasad Singh Resident of Village-
Sakaddi, P.O.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector Bhojpur at Ara.
3. The Sub-Divisional Officer Ara (Bhojpur).
4. The Block Supply Officer Koilwar, Ara (Bhojpur).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv
For the Respondent/s : Mr. Md. Anisul Haque, AC to AAG -5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 23-02-2022 Heard the learned counsel for the parties.

The petitioner, a P.D.S. dealer, has been made an accused in a case concerning E.C. Act. Under the provisions of Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as "Control Order of 2016"). The licence of the petitioner was suspended and a show-cause notice was issued to him to explain his cause.

Despite the petitioner having replied to such notice



with utmost promptitude, no final decision in this regard has been taken, despite the passage of more than 180 days.

Rule 28 of the Control Order of 2016 enjoins upon the concerned authorities to take a final decision in the matter after issuing show-cause notice to a licensee after suspension of his licence within a period of 180 days, as far as possible.

We have been apprised of no reason whatsoever for not taking a final decision in the matter.

In other cases also, we have expressed our displeasure over such lethargic approach of the concerned authorities. A P.D.S. licence cannot be allowed to remain in animated suspension for a long time. It causes discomfort to the consumers tagged to the P.D.S. shop. It is one of the duties of the authorities under the Control Order of 2016 to fill up the vacancy and keep the process continuous; the obvious purpose for the same being to reach subsidized food-grains to the needy. Keeping such matters pending only results in difficulties to the consumers at large.

We, therefore, direct the respondent no. 3 to take



a final decision in the case of the petitioner, preferably within
a period of 60 days from the date of receipt / production of
a copy of this order before the concerned authority by the
petitioner.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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