

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10294 of 2023

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Lakhendra Mahto S/o Late Mishri Mahto, Resident of Village- Vishunpur
Saraiya, P.S.- Deoria, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Sub-Divisional Officer, West, Muzaffarpur.
3. The Block Supply Officer, Paru, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc 4)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

- 2 04-10-2023 1. The present writ petition has been filed for the quashing of the order dated 17.12.2022, passed by the Sub-Divisional Officer-cum-licensing authority, West Muzaffarpur whereby and whereunder the license of the petitioner bearing License No. 23030071/2016 has been suspended.
2. The short point raised by the petitioner for consideration is that as per rule 28 of 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 180 days 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 order dated 17.12.2022, stands vitiated in the eyes of law.



3. The learned counsel for the respondent-State submits that in case, it transpires subsequently that the final order has already been passed in the present case, liberty be granted to the respondents to move this Court for the purposes of modification/ recall of the order being passed today.

4. Liberty so sought, is granted.

5. Having regard to the facts and circumstances of the case and considering the provisions contained in Rule 28 of Bihar Targeted Public Distribution System (Control) Order, 2016, this Court finds that the period of suspension of the P.D.S. license of the petitioner has exceeded a period of 180 days, however no final decision has been taken and secondly, the petitioner has already been granted the privilege of anticipatory bail which indicates that neither the petitioner is a fugitive nor he has been sent to jail, hence, the impugned order dated 17.12.2022, stands vitiated in the eyes of law, thus is quashed.

6. The writ petition stands allowed.

(A. Abhishek Reddy, J)

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