

Kamla Devi @ Kamala Devi Wife of Madan Ray @ Madan Mohan Ray,
Resident of Village- Agahara, P.S.- Marhaura, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secrariat, Patna.
2. The District Magistrate, Saran.
3. The Sub-Divisional Officer, Marhaura, Saran.
4. The Block Supply Officer, Marhaura, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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

2 31-10-2023 1. The present application is being filed for issuing a direction to the respondents specially respondent no. 2 to issue allotment order in favour of petitioner as the suspension period in terms of Section 27(2) of the Bihar Targeted PDS Control order is already lapsed on 28.01.2023 and the suspension order lost its force.

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 28.01.2023, 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 28.01.2023, stands vitiated in the eyes of law, thus is quashed.

6. The writ petition stands allowed.

(A. Abhishek Reddy , J)

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