

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10318 of 2024

=====

Ram Bilash Rajbanshi (Male, age 56 years about) son of Ram Vriksha Rajbanshi, resident of Village-Marui, P.S./Prakhand-Roh, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Dept., Govt. of Bihar, Old Secretariat, Patna-800015.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Nawada.
4. The District Supply Officer, Nawada.
5. The Sub Divisional Officer, Rajauli, District- Nawada.
6. The Block Supply Officer, Roh, District-Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Advocate.
Mr. Kumar Lakit, Advocate.

For the Respondent/s : Mr. Kameshwar Kumar, GP-17.

=====

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

2 24-09-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) For quashing of Memo No. 3254 of 29.12.2023, contained in ANN-P/7 issued by the Sub-Divisional Officer, Rajauli (For Short: the SDO) seeking explanation on complaint of one Smt. Puja Kumari (without disclosing her parentage & address) alleging that (a) despite Roh P.S. Case No. 38/2005 is pending, you got your PDS Shop started illegally & fraudulently by submitting application along with recommendation



of the Block Supply Officer, Roh (For Short: BSO) as well as order (granting bail) dated 10.08.2015 passed in Cr. Misc. No. 29713 of 2015 (Contained in ANN-P/4) and, (b) by suspending PDS License (Again on same ground which already merged in Hon'ble High Court order in writ, Cr. Misc. & SDO order recalling/restoring suspension/cancellation of PDS Shop, all contained in ANN-P/1, P/3, P/4, P/6 etc. and sought explanation within three days with supporting evidence saying why your PDS license is not cancelled.

(ii) For quashing of suspension memo, if any, as indicated in impugned memo seeking explanation (ANN-P/7) as memo No. 3253 dated 29.12.2023 (Copy not served/supplied to the petitioner despite all efforts).

(iii) For direction commanding the respondents to restore supply/distribution of PDS Shop of the petitioner under PDS license No. 45/2023 (Old License No. 11/97) having validity till 2028."

3. Challenging the suspension of the licence of the petitioner vide Memo No. 3254 dated 29.12.2023, the present writ petition is filed by the petitioner.

4. Learned counsel appearing on behalf of the petitioner has stated that on an earlier occasion, the licence of the petitioner was suspended on the ground that a criminal case was pending against him, against which the petitioner has



approached this Hon'ble Court by way of CWJC No. 1381 of 2006. This Hon'ble Court vide order dated 14.02.2006 had directed the Sub-Divisional Officer to conclude the matter and pass necessary orders. Thereafter, the order of suspension was revoked by the authority concerned. Further it is stated that as against the arrest of the petitioner, the petitioner had approached this Hon'ble Court by way of Cr. Misc. No. 29713 of 2015 and this Hon'ble Court vide order dated 10.08.2015 had granted bail to the petitioner. On the representation made by the petitioner, the Sub-Divisional Officer has passed an order dated 21.08.2023 for resumption of the food-grains to the petitioner by revoking the suspension order. Learned counsel has stated that the present incumbent without verifying the facts and also the earlier orders passed by this Hon'ble Court and also the Sub-Divisional Officer has again issued a show-cause notice vide Memo No. 3254 dated 29.12.2023. A reading of the above show-cause notice reveals that on a complaint made by one Smt. Puja Kumari, the official respondents has suspended the license of the petitioner vide Memo No. 3254 dated 29.12.2023 and further directed the petitioner to file his explanation. Though the petitioner has filed his explanation immediately, the authority till date has not passed any final orders nor revoked the



suspension. Learned counsel has stated that the very act of the respondent in suspending the license of the petitioner is contrary to the Bihar Targeted Public Distribution System (Control) order, 2016 more specifically Clause 28 of the Control order and also the judgment of this Hon'ble Court dated 01.12.2021 passed in CWJC No. 4332 of 2021 wherein this Hon'ble Court while interpreting the Clause 28 of the Bihar Targeted Public Distribution System (Control) order, 2016 has stated unless and until the petitioner has been declared a fugitive or convicted, the license of the petitioner cannot be suspended and further the period of suspension cannot be more than 180 days. Further, it is stated that the order of suspension has till date not been served on the petitioner. Though the petitioner has been making several rounds to the office of the respondents, the copy of the suspension order has not been furnished to the petitioner.

5. Having regard to the above mentioned facts and circumstances, this Court is of the view that the ends of justice would be served if the Sub-Divisional Officer, Rajauli, District-Nawada i.e. Respondent No. 5 is directed to pass necessary orders within a period of ten days from the date of the receipt of the copy of this order. The authority concerned shall pass the order duly taking into consideration the earlier order passed by



the Sub-Divisional Officer, Rajauli dated 21.08.2023, the order of this Hon’ble Court dated 10.08.2015 passed in Cr. Misc. No. 29713 and also the order of this Hon’ble Court dated 14.02.2006 passed in CWJC No. 1381 of 2006 and also the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016 more specifically Clause 28.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

shakir/-

U			
---	--	--	--

