

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14153 of 2023

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Bikash Kumar Son of Sri Om Prakash Sah, Resident of village- Dhutoli, P.S.
Choutham, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
3. The District Magistrate, Khagaria, District- Khagaria.
4. The Superintendent of Police, Khagaria, District- Khagaria.
5. The District Supply Officer, Khagaria, District- Khagaria.
6. The Sub-Divisional Officer, Khagaria, District- Khagaria.
7. The Dy, Superintendent of Police, Khagaria, District- Khagaria..
8. The Block Supply Officer, Choutham, District- Khagaria.
9. The Marketing Officer (Supply), Choutham, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad Mr. Md. Tauqueer Azhar, Mr. Neeraj Kumar, Mr. Md. Reyaj, Advocates.
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG5)

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

3 14-03-2024 Heard the parties.

2. The present writ petition has been filed for the quashing of the order dated 21.07.2022, passed by the Sub-Divisional Officer, Khagaria whereby and whereunder the PDS license of the petitioner bearing License No. 04 C/2019 has been suspended with immediate effect and direction has been issued to send proposal for attachment of beneficiaries of petitioner's PDS shop as well as for quashing of order dated



22.07.2022 passed by Sub-Divisional Officer, Khagaria whereby the consumer of PDS shop of the petitioner has been attached with PDS dealer, namely, Sri Baijnath Singh, Dhutauli Panchayat, Block-Choutham (License No. 03 C/2019).

3. 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.

4. 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.

5. Liberty so sought, is granted.

6. 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 orders dated 21.07.2022 and 22.07.2022 stand vitiated in the eyes of law, thus are quashed.

7. The writ petition stands allowed.

(A. Abhishek Reddy , J)

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