

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7297 of 2016**

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Ghanshyam Sharma son of Saryug Sharma, resident of village Chhoti Paikat, P.S.  
Gogri, District Khagaria,

.... .... Petitioner

Versus

- 1, The State of Bihar,
2. The District Magistrate, Khagaria,
3. The District Supply Officer, Khagaria,
4. The Sub-Divisional Officer, Gogri, District Khagaria,
5. The Block Development Officer, Parbattha, District Khagaria,
6. The Block Supply Officer, Parbattha, District Khagaria,

.... .... Respondent

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**Appearance :**

For the Petitioner : Mr. Amrendra Kumar, Advocate

For the State : Mr. Raj Kishore Roy, GP 18

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 24-08-2016**

Heard the parties.

The sole issue raised by the petitioner in this writ application is that there is no provision in law for cancellation of the PDS licence on the ground that First Information Report has been lodged against him under section 7 of the Essential Commodities Act(hereinafter to be referred to as “the Act”).

A reference in this regard is made to a decision dated 02.02.2016 rendered by this Court in **C.W.J.C. No. 1898 of 2016(Janardan Ram v. The State of Bihar and others)**.

The issue is no longer *res integra* as this Court has considered the issues on several occasions and has decided that there

is no such provision for cancellation of PDS licence merely on the ground that First Information Report has been lodged under section 7 of the Act against the licensee. It is apparent from the order impugned that the sole ground taken for cancellation is the institution of the police case.

Accordingly, this writ application is allowed in the terms of the decision dated 02.02.2016 rendered in **C.W.J.C. No. 1898 of 2016(Janardan Ram v. The State of Bihar and others)** and the order impugned contained in Annexure 1 is quashed and setting aside.

As a consequence of the setting aside of the order contained in Annexure 1, the supplies of the petitioner would be resumed forthwith.

However, it is made clear that this order would not come in the way of the authorities if they decide to initiate a fresh proceeding against the petitioner in accordance with law for the concerned purpose.

(Dr. Ravi Ranjan, J)

SC/-

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