

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17368 of 2015

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Krishna Mohan Prasad S/o Late Sitaram Sah Resident of Village - Chuhar Chowk, Ward No. 23, P.S. - Barahiya, District - Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Lakhisarai.
3. The Sub-Divisional Officer, Lakhisarai, District - Lakhisarai.
4. The Block Supply Officer, Bahariya, Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. M.K. SINHA, SC1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-03-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 11.12.2014, contained in memo no. 508 dated 11.12.2014 passed by learned Sub Divisional Officer, Lakhisarai by which the licence of the petitioner being Licence No. 13 of 1993 has been cancelled on the ground of institution of F.I.R. being Barahiya P.S. Case No. 200 of 2014.

3. Learned counsel for the petitioner submits that the solitary ground given in the relevant show cause notice dated 26.11.2014 for cancelling the PDS licence was that a First Information Report bearing Barahiya P.S. Case No. 200 of 2014 had been instituted against the petitioner. Moreover, insufficient opportunity of 24 hours has been granted for submission of reply to the show cause notice.



Similarly, the impugned order has been passed on the ground of institution of the aforesaid FIR against the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the PDS (Control) Order, 2001 read with Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 makes it clear that mere institution of a First Information Report would not constitute a valid ground for cancellation of the PDS licence. This view finds support from the decision of this Court in *Umesh Ram vs. The State of Bihar and others*, AIR 2014 Patna 113 as well.

6. In the above view of the matter, the impugned order dated 11.12.2014 (Annexure-1) is hereby quashed.

7. Needless to say, supplies to the petitioner shall be restored without delay.

8. The writ petition stands allowed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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