

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7191 of 2017

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Rukmina Devi W/o Sri Birendra Singh Yadav Resident of Village- Nachap, P.S. Murar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector, Buxar
3. The Sub-Division Officer, Dumraon, Buxar.
4. The District Supply Officer, Buxar.
5. The Block Supply Inspector, Chaugai, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.N.Tiwary, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-02-2018

The present writ petition has been filed for quashing the order dated 16.07.2015, issued vide memo no. 2416 by which the learned Sub Divisional Officer, Dumraon has cancelled the licence of the petitioner carrying on business under the Public Distribution System as a PDS dealer; and for quashing the order dated 24.03.2017 passed in Case No. 217 of 2015 (Supply) by the learned Collector, Buxar dismissing the appeal and affirming the order of the learned S.D.O., Dumraon.

2. Learned counsel for the petitioner submits that the solitary ground given in the relevant show cause notice dated 02.07.2015 for cancelling the PDS licence was that a First Information Report bearing Murar P.S. Case No. 42 of 2015 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.

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

4. 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.

5. In the above view of the matter, the impugned order dated 16.07.2015 (Annexure-4) is hereby quashed and consequently the appellate order dated 24.03.2017 (Annexure-5) is also set aside.

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

7. The writ petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.02.2018
Transmission Date	NA

