

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5011 of 2015

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Kamal Paswan S/o Late Khattar Paswan, resident of village- Basipatti, P.S.-
Bheja, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. District Supply Officer, Madhubani.
5. Sub Divisional Officer, Jhanjharpur, District- Madhubani.
6. Block Supply Officer, Madhepur, District- Madhubani.
7. Block Development Officer, Madhepura, District- Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.

For the Respondents : Mr. Sandeep Kumar, GA-8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-08-2018

The present writ petition has been filed for quashing the order contained in Memo No. 629 dated 15.12.2014, passed by the Sub Divisional Officer, Jhanjharpur whereby and whereunder the P.D.S. licence of the petitioner has been cancelled and further for a direction to restore the licence of the petitioner for P.D.S. shop under Basipatti Panchayat of Block- Madhepur, District- Madhubani.

2. Learned counsel for the petitioner submits that the solitary ground given in the relevant show cause notice dated 24.10.2014 for cancelling the PDS licence was that a First Information Report bearing Bheja P.S. Case No. 81 of 2014 had been instituted against the petitioner. 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 15.12.2014 (Annexure-7) is hereby quashed.

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

7. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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