

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16823 of 2018

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Yogendra Yadav, S/o Late Dahour Yadav, resident of Village- Pachahi, P.S. Madhepur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Madhubani.
3. The SDO, Jhanjharpur.
4. The LRDC, Jhanjharpur.
5. The Circle Officer, Madhepur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. S. Raza Ahmad- Aag5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2018

The present writ petition has been filed for quashing of the order dated 26.11.2016 passed by the S.D.O. Jhanjharpur, whereby and whereunder the P.D.S. licence of the petitioner has been cancelled as well for quashing of the order dated 13.04.2018 passed by the District Magistrate, Madhubani, whereby and whereunder the appeal of the petitioner has been rejected.

The short issue raised by the petitioner is that the basis of rejection of appeal and cancellation of the P.D.S. licence of the shop of the petitioner is that an F.I.R. has been lodged against the petitioner herein. In this regard, the learned counsel for the petitioner has referred to a judgment reported in **AIR 2014**



(Pat.) 113 to contend that mere institution of a First Information Report would not constitute a valid ground for cancellation of P.D.S. licence.

I have heard the learned counsel for the parties and perused the materials on record and I find that the only ground for cancellation of P.D.S. licence is lodging of F.I.R. which is not permissible under the law, hence the order dated 26.11.2016 passed by the S.D.O. Jhanjharpur and the order dated 13.04.2018 passed by the District Magistrate, Madhubani are quashed, however with liberty to the S.D.O. Jhanjharpur to proceed afresh in the matter in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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