

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17647 of 2015

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Arbind Kumar S/o Late Kapildeo Singh, Resident of Bahadurpur Biswalia,
Gram Panchayat - Bahadurpur, P.S. - Govindganj, District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Sub - Divisional Officer, Areraj, East Champaran.
3. The Circle Officer - cum - Block Supply Officer, Areraj, East Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. Md. Faiz Ahmad, AC to GP 14

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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 17.08.2014 contained in memo no. 163 dated 17.08.2014
passed by learned Sub-Divisional Officer, Areraj, East Champaran by
which the PDS license of the petitioner being licence no. 14 of 2008
granted under the provisions of P.D.S. Order for carrying on business
under Public Distribution System has been cancelled.

3. Learned counsel for the petitioner submits that the
solitary ground taken in the impugned order dated 17.08.2014 for
cancelling the PDS licence was that a First Information Report bearing
Govindganj (Mahali) P.S. Case No. 148 of 2014 had been instituted
against the petitioner. It is further submitted that no show cause notice
has been issued to the petitioner in this regard. Similarly, the impugned
order has been passed on the ground of institution of the aforesaid FIR



against the petitioner and that too, without issuing any show cause notice to him.

4. Learned counsel for the respondents appears and has been heard. The said stand of the petitioner has not been controverted in the counter affidavit.

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 17.08.2014 (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
CAV DATE	N.A.
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