

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8109 of 2019

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Rudal Ray, aged about 64 years (male), Son of Late Jhalak Ray, Resident of Village- Munji Tola Jila Patna, Munji Tola Maner, Police Station- Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate Patna.
3. The Additional District Magistrate, Supply, Patna.
4. The Sub- Divisional Officer Danapur, District- Patna.
5. The Block Supply Officer Maner, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad, Advocate.

For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 04-12-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

“...for the issuance of an appropriate writ in the nature of certiorari or any other writ or writs and direction or directions for quashing the order dated 10.09.2018 contained in Gyapank No. 1120 dated 10.09.2018 issued by the Sub-divisional Officer- Danapur, Respondent No. 4 by which the licence No. 23 of 2016 of the P.D.S. Shop of the petitioner has been suspended for lodging of the F.I.R. bearing Maner P.S. Case no. 439 of 2018 dated 31.08.2018 as contained in Annexure-1 of the



present writ petition or for any other relief or reliefs to which the petitioner is entitled.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 05.09.2018 vide Memo No.1114 for suspending the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Maner P.S. Case No. 439 of 2018 had been instituted against the petitioner. Similarly, the impugned order has been passed on the sole 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 suspension 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 view of the above, the impugned order dated 10.09.2018 (Annexure-1) passed by the Sub-Divisional Officer,



Danapur, Patna (Respondent No. 4) is set aside.

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

8. It is made clear that, in case, the petitioner is subsequently convicted in the criminal case instituted against him, thereafter, the authorities are free to take necessary action in accordance with law.

9. With the above directions, the Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy , J)

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