

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9170 of 2023

=====

Surendra Kumar Singh, aged about 59 years (male), Son of Late Jagdeo Singh
Resident of Village Mahua Bigha, P.S. Obra, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. Commissioner, Magadh Division, Gaya.
3. Collector-cum-District Magistrate, Aurangabad.
4. Additional Collector-cum-Additional District Magistrate, Aurangabad.
5. Sub-Divisional Officer, Daudnagar District Aurangabad.
6. Block Supply Officer, Obra, District Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate with
Mr. Shivam, Adv.

For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

=====

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

5 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, order or direction for setting aside the order dated 29.04.2022 as contained in memo no. 47 dated 29.04.2022 whereby and whereunder the learned Licensing Authority cancelled the PDS Licence of the petitioner being Licence No. 07/0/1989 as well as the appellate order dated 22.09.2022 as contained in memo no. 3967 dated 23.09.2022 passed by the learned Additional Collector-cum-Additional District Magistrate, Aurangabad in PDS Appeal Case No. 17 of 2022 whereby and whereunder the learned appellate authority dismissed the appeal preferred by the petitioner filed against



the order dated 29.04.2022 passed by the Sub-Divisional Officer, Daudnagar as well as the revisional order dated 13.04.2023 passed by the Learned Commissioner, Magadh Division, Gaya by which he dismissed the revision filed by the petitioner.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 21.01.2022 vide Memo No.123 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Obra P. S. Case No. 28 of 2022 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 29.04.2022 passed by the Sub-Divisional Officer, Daudnagar,



Aurangabad (Annexure-1), order dated 22.09.2022 passed by the Additional Collector-cum-Additional District Magistrate, Aurangabad (Annexure-2) and order dated 13.04.2023 passed by the Commissioner, Magadh Division, Gaya (Annexure-3) are 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, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

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

(A. Abhishek Reddy , J)

shakir/-

U			
---	--	--	--

