

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8168 of 2023**

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Babulal Ram S/o Late Gajaraj Ram, Resident of Village-Nainijor, P.S.-  
Guthani, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Siwan.
3. The Sub-Divisional Officer, Sadar Siwan.
4. The Block Supply Officer, Guthani, District-Siwan.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari  
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

4      02-11-2023                      Heard learned counsel for the parties.

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

*“For quashing the order contained  
in Memo No. 749 dated 12.04.2021 passed  
by the learned Sub Divisional Officer Sadar  
Siwan by which the PDS license of the  
petitioner being licence no. 250/2016 has  
been cancelled and also for quashing the  
appellate order dated 14.07.2022 passed in  
Supply Appeal No. 13/2021-22 passed by the  
Learned Collector Siwan by which he was  
pleased to dismissed the appeal and affirmed  
the order of the licensing authority dated  
12.04.2021 and further be pleased to restore  
the license and supply of the petitioner.”*

3. Learned counsel for the petitioner submits that the  
solitary ground given in the show cause notice dated 15.03.2021



vide Memo No. 506 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Guthani P.S. Case No. 131 of 2020 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 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 view of the above, the impugned order dated 12.04.2021 (Annexure-5) is hereby quashed and consequently the appellate order dated 14.07.2022 (Annexure-6) is also 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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