

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9028 of 2022

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Smt. Juli Devi Wife of Sanjan Kumar, Resident of Village- Dariyapur, P.O.-
Neura, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Patna, District- Patna.
3. The Sub- Divisional Officer, Danapur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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

3 04-12-2023 Heard learned counsel for the parties.

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

*"That this writ application is
being filed on behalf of the petitioner
above named for issuance of an
appropriate writ, order and direction for
quashing the order passed by the Sub-
Divisional Officer, Danapur vide memo
No. 1501 dated 18/12/2020 whereby and
where under license of the petitioner's
P.D.S. Shop bearing No.-09/17 has been
cancelled on a ground that a F.I.R. in
Danapur P.S. Case No. 248/20 dated
07/04/2020 has been lodged against the
petitioner contend in Annexure-1 and
further for direction to the licensing*



authority to restore the petitioner's license before and to make the allotment for the same.

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 22/06/2020 vide Letter No. 780 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Danapur P.S. Case No. 248 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 18/12/2020 (Annexure-1) 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, 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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