

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3077 of 2024

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Sukhdev Paswan S/o Late Atwari Paswan, R/o village – Budhara Usmanpur,
P.S- Athmalgola, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Barh, Patna.
4. The District Supply Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar
For the Respondent/s : Mr. Addl. Advocate General (13)

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

2 22-07-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

“1. To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing of the order dated 07.09.2016 passed by the licensing authority-cum-SDO Barh, Patna and communicated through memo No. 57 dated 07.09.2016 by which the PDS license of this Petitioner was cancelled under the Bihar Targeted Public Distribution System (Control) Order, 2016 as well as the order dated 08.06.2019 passed by the District Magistrate, Patna whereby and where under he has dismissed the E.C. Appeal Case No. 435/2017-18 of this Petitioner.

II. (ii). To direct the respondent No. 03 the SDO, Barh, Patna to restore the PDS dealership license of the consideration that the same is only means of earning livelihood.

III. (iii). To any other reliefs to which the petitioner may be found entitled in the facts and



circumstances of the case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 19.08.2016 vide Memo No. 558 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Athmalgola P.S. Case No. 117 of 2016 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 07.09.2016 (Annexure-P/5) is hereby quashed and consequently the appellate order dated 08.06.2019 (Annexure-P/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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