

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1906 of 2023

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Uday Prasad Yadav, Son of Late Rupnarayan Yadav, Resident of Nurpur,
Makorba, Patna City, P.S.-Malsalami, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Assistant Godown Manager, State Food Nigam, Katra, Patna.
4. The District Supply Officer, Patna.
5. The Sub-Divisional Officer, Patna City, Patna.
6. The Supply Officer, Patna Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shambhu Sharan Singh, Adv. Mr. Shankar Kumar Thakur, Adv.
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG 5) Mr. Ansul Haque, AC to AAG 5
For BSFC		Mr. Shailendra Kr. Singh, Adv. Mr. Utkarsh Utpal, Adv.

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

11 09-05-2024

I.A. No. 02 of 2023

Interlocutory Application is allowed.

2. Registry is directed to make necessary amendments
in the present writ petition.

CWJC No. 1906 of 2023

3. Heard learned counsel for the parties.

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

*“..... for the revocation of P.D.S.
Licence No.181/2016 of petitioner Uday*



Prasad Yadav under Ward No.72 with E.P.D.S. Code-223000300317 after quashing the order dated 23/02/2021 of Sub-Divisional Officer, Patna City Vide Memo No.83/Aa, dated 23/02/2021 whereby the petitioner's licence afore- mentioned had seen suspended only on the basis of false and fabricated F.I.R. lodged by one Rajan Kumar the then supply Inspector, Patna since the petitioner has been considered for Anticipatory Bail by Hon'ble High Court in Criminal Miscellaneous No.28192 of 2021 vide order dated 03/02/2022 passed by Hon'ble Mr.Justice Sunil Kumar Panwar and tagging of P.D.S.Shop with another P.D.S.Shop dealer may kindly be cancelled and allow the petitioner is to run his P.D.S.Shop as he is running since 2016.”

5. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 23.02.2021 vide Memo No. 83 for suspending the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Malsalami P.S. Case No. 71 of 2021 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.

6. Learned counsel for the respondents appears and has been heard.

7. 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.

8. In view of the above, the impugned order dated 23.02.2021 (Annexure-2) is hereby quashed.

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

10. 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.

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

(A. Abhishek Reddy , J)

Bhardwaj/-

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