

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2131 of 2024

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Sunita Devi wife of Late Dharmendra Paswan, Resident of Village-
Raghunathpur, Village Panchayat-Charokhari, Police Station-Fatehpur,
District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya, Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Fatehpur, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Adv.
For the Respondent/s	:	Mr. Government Advocate 11
For the State	:	Mr. Raghwanand, GA-11
		Mr. Sanjay Kr. Tiwari, AC to GA-11

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

2 08-05-2024 Heard learned counsel for the parties.

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

*“That this is an application
for issuance of appropriate writ/writs,
order/orders and direction/directions to
quash the order dated 03-06-2022
contained in Memo No. 714 by which the
Ld. Sub Divisional Officer, Sadar Gaya
has cancelled the License No. 01/2018 of
the petitioner only on the ground of F.I.R.
after its suspension dated 23-11-2021
contrary to clause 2016 when the*



petitioner not sent to jail or gone fugitive and for direction upon the respondent No. 3 to continue allocation to the Public Distribution System Shop of the petitioner after declaring the order of cancellation null and void and/or pass such order(s) as you Lordships may deem fit and proper under 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 03.06.2022 vide Memo No. 714 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Fatehpur P.S. Case No. 342 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.

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 03.06.2022 (Annexure-P/2) is hereby 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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