

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3905 of 2024

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Raj Kishor Paswan, aged about 56 years (M) son of Birendra Paswan,
Resident of Village-Narayanpur, P.S.-Bihpur (Bhawanpur O.P.), District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
3. The Director, Food and Civil Supply Department, Govt. of Bihar, Patna.
4. The Commissioner Bhagalpur Division, Bhagalpur.
5. The Collector cum District Magistrate, Bhagalpur, District-Bhagalpur.
6. The Licensing Authority cum Sub Divisional Officer, Naugachia, District-Bhagalpur.
7. The Block Supply Officer, Narayanpur, District-Bhagalpur.
8. The In-charge Supply Inspector, Narayanpur, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

For the Respondent/s : Mr. Government Pleader (22).

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

2 23-07-2024 Heard learned counsel for the parties.

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

*“ (i) for issuance of writ in the nature
of certiorari for quashing the order bearing
Memo No. 1663 dated 15.12.2022 by which
Divisional Commissioner, Bhagalpur rejected
the supply Revision Case No. 33/2022-23 and
affirmed the order dated 06.06.2022 passed in
Supply Appeal Case No. 28/2022-23.*

*(ii) For further quashing the order
dated 06.06.2022 passed in Misc. Supply Appeal
Case No. 28/2022-23 by which Ld. Collector has*



been pleased to affirmed the order bearing Memo No. 183 dated 09.03.2021 passed by Sub-Divisional Officer, Naugachia by which License of the petitioner cancelled.

(iii) For further quashing the order bearing Memo No. 183 dated 09.03.2021 passed by Respondent Sub-Divisional Officer, Naugachia cancelled the license No. 21/94-60/2016 with temporary effect without considering reply of the show cause to the petitioner and without supply the enquiry report.

(iv) Further issue direction to the respondents reinstate the PDS License No. 21/94-60/2016 to the petitioner.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 13.02.2021 vide Memo No.126 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Bihpur (Bhawanipur O.P.) P.S. Case No. 123/2020 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 suspension 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 15.12.2022 passed by the Divisional Commissioner, Bhagalpur, order dated 06.06.2022 passed by the Collector-cum-District Magistrate, Bhagalpur and order dated 09.03.2021 passed by the Sub-Divisional Officer, Naugachia are 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. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions



of the Bihar Targeted Public Distribution System (Control)
order strictly in accordance with law.

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

(A. Abhishek Reddy, J)

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