

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3941 of 2024**

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Dhumiya Devi Wife of Ganga Sahni, Resident of Village- Jhitkahiya, P.S.-  
Lakhaura District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food, Civil Supplies and Consumer Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food, Civil Supplies and Consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The District Supply Officer, East Champaran, Motihari.
5. The Sub-Divisional Officer, Sadar, Motihari.
6. The Block Supply Officer, Motihari.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------------------------------|
| For the Petitioner/s | : | Mr. Anand Kr. Ojha, Adv.<br>Ms. Sangeet Deokuliari, Adv. |
| For the Respondent/s | : | Mr. Kumar Pankaj, A.C. to S.C.-5                         |

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

4      02-08-2024

Heard learned counsel for the parties.

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

*a) For quashing and setting aside of the office order contained in Memo No. 2979, dated 27.11.2023 issued by the Sub Divisional Officer, Sadar, Motihari whereby the petitioner has been denied restoration of her license of PDS distributorship (021100109/2011) 2 bearing no. 44/08/till the acquittal of the petitioner from the criminal case by the competent court.*

*b) For issuing direction to the respondent authorities to restore the license allotted to the petitioner in the facts and circumstances of this case, which has been suspended on 18.10.2022.*

*c) For a direction to the respondent authorities to hand over the e-POS machine allotted to petitioner with his license after marking zero and allowing him to receive*



*the foodgrains after marking zero on his e-POS machine in the facts and circumstances of this case.*

*d) For a direction to conduct an enquiry by any competent and independent investigating agency in the matter of large scale scam and irregularity being committed by the concerned authorities in connivance with food grain mafia by black marketing of foodgrains meant for public supply in the facts and circumstances of this case.*

*e) For a direction to take strict actions against the responsible officers indulged in the large scale scam of misappropriation and black marketing of control items and victimisation of the licensees like the petitioner.”*

3. Learned counsel for the petitioner submits that an First Information Report (F.I.R.) bearing Motihari Muffasil (Lakhaura) P.S. Case No. 733 of 2022 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 27.11.2023 (Annexure-p/8) is hereby quashed.

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)**

sanjeev/-

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