

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5846 of 2024**

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Ranjit Kumar, aged about 38 years, Male, S/o Chandraket Singh, Resident of Dinkar Path, Patel Nagar, Ward No.08, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Sub-Divisional Officer-cum-Licensing Authority, Sadar, Patna.
4. The Supply Inspector, Rationing, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.  
For the Respondent/s : Mr. Government Pleader 10.  
Mr. Anwar Karim, AC to GP-10.

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

4      27-08-2024                      Heard learned counsel for the parties.

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

*“...for the issuance of an appropriate writ/writs, order/orders, direction/direction in the nature of certiorari for quashing the order contained in Memo No. 40/Aa, dated 31.01.2024, passed by the Learned Sub-Divisional Officer, Sadar, Patna-cum-Licensing authority, by which he was pleased to cancelled the license of the petitioner being License No. 54/2016 on the basis of a notice where there is no stipulation of proposal of cancellation of license and as such the order impugned dated 31.01.2024 is fit to be set aside by this Hon’ble Court and further be pleased to restore the license and supply of the petitioner.”*



3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 21.01.2022 vide Memo No.123 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Obra P. S. Case No. 28 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 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 31.01.2024 passed by the Sub-Divisional Officer-cum-Licensing Authority, Sadar, Patna is 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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