

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6314 of 2019

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Rajendra Singh, S/o Late Baidyanath Singh, Resident of Village- Chainpur
Mubarakpur, P.S.- Siswan, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Siwan.
3. The Sub Divisional Officer, Sadar Siwan.
4. The Block Supply Inspector, Siswan, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

2 30-01-2024 Heard learned counsel for the parties.

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

“That the present writ application is being filed on behalf of the petitioner above named for setting aside the order contained in memo no. 489 dated 30.09.2016 by which the PDS license of the petitioner was cancelled by the learned SDO, Siwan Sadar and further for quashing the order dated 26.10.2018 passed in Supply Appeal No. 145/2016-17 by the learned Collector, Siwan by which the appeal filed on behalf of the petitioner was dismissed and further be please 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 10.09.2016 vide Memo No. 419 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Siswan P.S. Case No. 133 of 2016 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 license. 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 30.09.2016 (Annexure-5) is hereby quashed and consequently the appellate order dated 26.10.2018 (Annexure-6) is also 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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