

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7495 of 2024

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Chaturbhuj Prasad Singh S/o Devandra Prasad Singh, resident of Village-
Raghopur, P.S.-Jurawanpur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Additional Collector, Vaishali.
4. The Sub Divisional Officer, Hajipur, District-Vaishali.
5. The District Supply Officer, Vaishali, District-Vaishali.
6. The Block Supply Officer, Raghopur, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Braj Kishore Singh Chouhan, Adv.
For the Respondent/s : Government Pleader 26

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

2 15-05-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the

following reliefs:-

“(i) To quash the order of suspension
of license *vide* in memo no. 393 dated
30.06.2021 and restore the same to
petitioner.

(ii) To deattach the shop in question
of the petitioner from any of the dealers of
whom it has been attached.

(iii) To release the food grains of the
Fair Price Shop for which petitioner was
entitled at the time of order of suspension
of license.

(iv) To grant any other relief or reliefs
to which the petitioner is entitled under
law.



3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 30.06.2021 *vide* Memo No. 393 for cancelling the PDS license of the petitioner was that an First Information Report (F.I.R.) bearing Jurawanpur P.S. Case No. 57 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 license. This view finds support from the decision of this Court in ***Umesh Ram vs. The State of Bihar and others***, as reported in ***AIR 2014 Patna 113*** as well.

6. In view of the above, the impugned order dated 30.06.2021 (Annexure-1) is hereby quashed.

7. Needless to say, supplies to the petitioner shall be



restored without any 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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