

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6833 of 2023

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Jitendra Kumar Nayak Son of Jagdeo Nayak Resident of Village-Siriapur,
P.S.- Basopatti, District-Madhubani ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
 2. The District Magistrate, District-Madhubani.
 3. The Additional District Magistrate, District-Madhubani.
 4. The Sub-Divisional Officer, Jaynagar, District-Madhubani. ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Rajeev Kumar Labh, Adv.
For the Respondents : Mr.Arvind Ujjwal (Sc4)

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

9 25-04-2024 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“..... for issuance of an appropriate writ, order and direction for quashing the order passed by the Sub-Divisional Officer, Jaynagar vide Memo No. 22 dated 7/1/2023 whereby and where under license of the petitioner's PDS shop bearing No. 65/2019 has been cancelled with immediate effect contend in Annexure-1 and further for direction to the licensing authority to restore the petitioner's license as before and to make the allotment for the same.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 23.11.2020 vide Memo No. 261 for cancelling the PDS licence of the



petitioner was that an First Information Report (F.I.R.) bearing Basopatti P.S. Case No. 253 of 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 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 07.01.2023 (Annexure-1) 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)

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