

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10285 of 2019

=====

Ramawatar Sah Sono f Munsii Sah Resident of Village-Srinagar, P.O. Belhar,
District-Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Banka, District-Banka.
3. The Sub-Divisional Officer, Banka, District-Banka.
4. The District Supply Officer, Banka District-Banka.
5. The Block Development Officer, Belhar Block-Belhar, District-banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

=====

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

3 16-01-2024 Heard learned counsel for the parties.

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

“I. For issuance of writ in the nature of Certiorari to quash the order dated 04.01.2019 passed by the District Magistrate-Cum-Collector, Banka passed in P.D.S. (Supply) Appeal No. 46/16-17 by which Memo of appeal by this petitioner has been rejected holding therein that requisite for set-aside the order of Sub-Divisional Officer, Banka is not acceptable.

II. For issuance of further writ in the nature of Certiorari to quash the



order of Sub-Divisional Officer, Banka Communicated vide Memo No. 528 dated 13.04.2016 by which license No. 35/2012 issued in the name of the petitioner has been cancelled with immediate effect.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 13.04.2016 vide Memo No. 528 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Belhar P.S. Case No. 86 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 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 13.04.2016 (Annexure-3) is hereby quashed and consequently the appellate order dated 04.01.2019 (Annexure-4) 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)

Gauravkr/-

U			
---	--	--	--

