

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7511 of 2024

Naval Kishore Choudhary Son of Mahendra Chaudhary, Resident of Village-
Habi Bhauar, P.S. - Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department , Old Secretariat, Patna.
2. The Collector and District Magistrate, Darbhanga.
3. The Sub-Divisional Officer, Benipur.
4. The Divisional Commissioner, Darbhanga Division, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.Government Pleader 17

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

4 22-11-2024 Heard learned counsel for the parties.

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

*“A. For quashing and setting aside
the order passed by the Sub-Divisional officer,
Banipur vide Memo No. 58 dated 19/1/2023
whereby and where under license No. 16/2016
of the petitioner’s Fair Price Shop has been
cancelled with immediate effect on the ground
that a case under Section 7 of the EC Act has
been lodged against the petitioner contained in
Annexure-1 and quashing and setting aside the
order dated 18/7/2023 passed by the learned
Collector and District Magistrate, Darbhanga
in Public Distribution System Appeal Case No.
-23/2023 whereby and where under appeal filed*



by the petitioner against the cancellation order has been rejected contained in Annexure-7.

B. A mandamus commanding the Respondents to restore the petitioner's license as before and to make allotment for the petitioner's shop."

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Bahera P.S. Case No. 415 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 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 19.01.2023 passed by the S.D.O. and the impugned order dated 18.07.2023 passed by the Appellate authority are hereby quashed and 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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