

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8608 of 2023

Ashok Kumar Singh, aged about 45 years, Male, Son of Late Shivkumar Singh, Resident of Village- Sahuka, P.S. - Ramgarh, District- Kaimur at Bhabhua.

... .. 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, Kaimur at Bhabhua.
3. The Sub Divisional Officer, Mohania, Kaimur at Bhabhua.
4. The Block Supply Officer, Ramgarh, Kaimur at Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Senior Advocate.
Mr. Kumar Rajdeep, Advocate.
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

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

7 23-10-2024

Re. I.A. No. 01 of 2023

The instant Interlocutory Application has been filed for amendment of the prayer made in the writ petition, the same is allowed.

2. Let the prayer made in the Interlocutory Application No. 01 of 2023 be treated as the prayer made in the writ petition.

Civil Writ Jurisdiction Case No. 8608 of 2023

3. Heard learned counsel for the parties.

4. The present Writ Petition has been filed for the following reliefs:-



“...for setting aside the order dated 23.01.2023 contained in Memo No. III-06-2022/19(Mu)/Aa dated 16.09.2023 by which the PDS license of the petitioner has been cancelled by a cryptic and non-speaking order that too on the basis of institution of FIR being Ramgarh P.S. Case No. 41/2021.”

5. Learned counsel for the petitioner submits that the solitary ground given in the show cause notices dated 09.12.2020 and 09.01.2021 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Ramgarh P.S. Case No. 41 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.

6. Learned counsel for the respondents appears and has been heard.

7. 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 suspension 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.

8. In view of the above, the impugned order dated



23.01.2023 in Memo No. III-06-2022/19(Mu)/Aa dated 16.09.2023 passed by the Sub-Divisional Officer, Mohania, Kaimur at Bhabhua is set aside.

9. Needless to say, supplies to the petitioner shall be restored without delay.

10. It is made clear that, in case, the petitioner is subsequently convicted in the criminal case instituted against him, the authorities are free to take necessary action in accordance with law.

11. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

12. With the above directions, the Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy, J)

shakir/-

U			
---	--	--	--

