

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11647 of 2019

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Dhirendra Tiwari @ Dhirendra Tiwari @ Dhirendra Tivari Son of Debisharan
Tiwari R/o Village-Thakraha, P.S.-Thakraha, District-West Champaran at
Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection, Government of Bihar, Patna
2. The Block Development Officer, Thakraha West Champaran, Bettiah
3. The Sub Divisional Officer, Bagha West Champaran, Bettiah
4. The Block Development Officer, Thakraha West Champaran, Bettiah
5. The District Magistrate West Champaran, Bettiah
6. The Block Supply Officer, Thakraha West Champaran, Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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

5 16-01-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

*“i. For issuance of an appropriate writ
in the nature of certiorari quashing the order
contained in memo no. 189 dated 25.5.2017 passed
by Respondent no. 3 by which the license no. 25/07
of the petitioner under public distribution system
was cancelled.*

*ii. For quashing the order dated
2.4.2019 passed by respondent no. 3 whereby and
where under the appeal has been dismissed contrary
to the records of the case.*

*Iii. And the petitioner further prays to
restore the license no. 25/2007 for the petitioner
forthwith.*

*iv. Any other order or orders as your
lordships may deem fit and proper and in the facts
and circumstances of the case.”*



3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 08.05.2017 vide Memo No. 177 for cancelling the PDS licence of the petitioner was that First Information Report (F.I.R.) bearing Thakraha P.S. Case No. 91 of 2017 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 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 25.5.2017 (Annexure-7) is hereby quashed and consequently the appellate order dated 2.4.2019 (Annexure-9) 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)

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