

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9673 of 2019**

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Awadhesh Kumar, Gender- Male, aged about 36 years, Son of Late Saheb Lal Ray, Resident of village- Purani Panapur, P.s.- Akilpur, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Patna, District - Patna.
3. the Sub-Divisional Officer Danapur, Distt. Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.  
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5.

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

2      06-02-2024                      Heard learned counsel for the parties.

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

*“For issuance of appropriate writ/order/direction for granting following reliefs to the petitioner:*

*(i) A Certiorari for quashing and setting aside the order passed by the Sub-Divisional Officer, Danapur vide Memo No. 208 dated 17.02.2019 whereby and where under licence of the petitioner’s fair price shop bearing No. 69/16 has been cancelled.*

*(ii) A mandamus commanding the respondents to restore the petitioner’s licence 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 dated 15.10.2018



vide Memo No. 1264 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Akilpur P. S. Case No. 42/16 dated 16.10.2016 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 17.02.2019 passed by the Sub-Divisional Officer, Danapur, Patna (Respondent No. 3) is 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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