

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8172 of 2023

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Raghunath Choudhary Son of Late Balbodh Choudhary, Resident of Village-
Srirampur, P.S.- Ashok Paper Mill, District- Darbhanga ... Petitioner
Versus

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

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Appearance :

For the Petitioner : Mr.Rajeev Kumar Labh, Adv.
For the Respondents : Mr.S.Raza Ahmad, AAG IX

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

5 25-04-2024 I.A. No. 1 of 2024

The interlocutory application is ordered.

Heard the parties.

2. The present writ petition has been filed for the
following relief(s) :

*“..... for issuance of an appropriate writ, order
and direction for quashing the order passed by the
Sub-Divisional Officer, Sadar, Darbhanga vide Memo
No. 626 dated 24/11/2017 whereby and where under
license of the petitioner's PDS shop bearing No.
31/2016 has been suspended with immediate effect on
a ground that a F.I.R. has been lodged against the
petitioner contained in Annexure 1 and further for
direction to the licensing authority to restore the
petitioner's license as before and to make the
allotment for the same.”*



3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 12.12.2017 vide Memo No. 721 for cancelling the PDS license of the petitioner was that an First Information Report (F.I.R.) bearing A.P.M. P.S. Case No. 126 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 a First Information Report would not constitute a valid ground for cancellation of the PDS license. 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 At the request of the counsel for the petitioner, post this matter on 24th



April, 2024..11.2017 (Annexure-1) is hereby quashed.

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)

Shamshad/-

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