

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9538 of 2022

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Kailash Kumar Tanti @ Kailash Kumar @ Kailash Tanti, son of Sri Santlal
Tanti, R/o Village-Olpura, P.S.-Kahalgaon, District-Bhagalpur ... Petitioner
Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
 3. The District Magistrate, Bhagalpur.
 4. District Supply Officer, Bhagalpur.
 5. The Sub-Divisional Officer, Sadar, Bhagalpur, District Bhagalpur.
 6. The Block Supply Officer, Kahalgaon, District Bhagalpur. ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Chandrasekhar Sharma, Adv.
For the Respondents : Mr.S.Raza Ahmad, AAG V

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

4 02-02-2024

Heard the learned counsel for the parties.

2. Learned counsel for the petitioner has stated that the petitioner has been acquitted of all the charges and counsel has drawn the attention of the Court to the order passed by the Sub Divisional Judicial Magistrate, Bhagalpur, dated 13.02.2023, in Kahalgaon P.S. Case No. 349 of 2021.

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice vide Letter No. 266, dated 11.06.2021, for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Kahalgaon P.S. Case No. 349 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.

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 & Ors.**, reported in **AIR 2014 Pat 113** as well. More over, the petitioner has already being acquitted of all the charges.

6. In view of the above, the impugned order dated 04.06.2021 (Annexure-4)) is hereby quashed and consequently the appellate order dated 12.05.2022 (Annexure-12) is also set aside.

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

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

(A. Abhishek Reddy , J)

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