

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8551 of 2024

Ashok Das Son of Baleshwar Das Resident of village- Mandai, Village Panchayat- Naudiha, Police Station- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Nimchak Bathani, Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Khizersarai, Dist.-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Respondent/s : Mr. Addl. Advocate General (4)

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

3 28-08-2024 Heard learned counsel for the parties.

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

“That this is an application for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 11-06-2022 contained in Memo No. 1176 by which the Ld. Sub Divisional Officer, Nimchak Bathani (Gaya) has cancelled the License No. 69/2016 of the petitioner only on the solitary ground of F.I.R. lodged in Khizersarai P.S. case No. 148/2022 dated 26-04-2022 after its suspension contrary to clause 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 when the petitioner not sent to jail or gone



fugitive and for direction upon the respondent No. 3 to continue allocation to the Public Distribution System Shop of the petitioner after declaring the order of cancellation null and void and/or pass such other order(s) as you Lordships may deem fit and proper under 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 28.04.2022 vide Memo No. 875 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Khizersarai P.S. Case No. 148 of 2022 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 11.06.2022 (Annexure-5) passed by the Sub Divisional Officer, Nimchak Bathani (Gaya) 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)

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