

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9405 of 2024

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Md. Mojjam @ Md. Moajjam Ansari Son of Md. Masnun, Resident of
Village- Chakhamid, P.S.- Bakhari, District-Begusarai ... Petitioner
Versus

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

Appearance :

For the Petitioner : Mr.Rajeev Kumar Labh, Adv.
For the Respondents : Mr.S.D. Yadav, AAG IX with
Mr. Braj Bhushan Mishra, AC to AAG IX

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

2 25-07-2024 Heard the parties.

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

“..... for issuance of an appropriate writ, order or direction for quashing the order passed by the Sub Divisional Officer, Bakhri, vide Memo No. 160 dated 9/2/2024 whereby and whereunder it has been stated that in the light of Targeted P.D.S. Control Order, 2016, license of the petitioner’s P.D.S. shop has been cancelled and in present situation license of the petitioner cannot be restored contained in Annexure – 1 and further to restore the petitioner’s license as before and to make the allotment for the petitioner’s shop.”

3. Learned counsel for the petitioner submits that the solitary ground given for cancelling the PDS license of the



petitioner was that a First Information Report (F.I.R.) bearing Bakhari P.S. Case No. 356 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 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 09.02.2024 (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)

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