

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11741 of 2024

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Sushil Kumar, Son of Shivcharan Prasad, Resident of Village- Holding No. 353, Bhadani Gali, Mohalla- Nayi Sarai, Nai Sarai, P.S.- Biharsarif, District- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Nalanda.
3. The Sub-Divisional Officer, Biharsarif, District- Nalanda.
4. The Block Supply Officer, Biharsarif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Diksha Kumari, Advocate.
For the Respondent/s : Mr. Ravi Kumar, GP-13 with
Mr. Akshay Lal Prasad, AC to GP-13.

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

3 01-10-2024 Heard learned counsel for the parties.

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

“...for setting aside the order dated 06.07.2023 passed by the Learned Sub-Divisional Officer, Biharsarif, Nalanda and order dated 19.03.2024 passed by the Collector-cum-District Magistrate, Nalanda whereby and whereunder the Public Distribution License of the petitioner bearing License No. 150/2016 has been cancelled on the ground of institution of F.I.R. being Bihar P.S. Case No. 316 of 2020 under Sections 420, 406, 467, 468, 471, 188, 269, 270 of the IPC and Section 51(B), 57 of the Disaster management Act and under Section 7 of the EC Act dated 10.05.2020 which



is totally non-est and erroneous grounds in completely in a mechanical manner without even considering the reply of the petitioner which is the complete violation of Principle of Natural Justice.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 18.05.2022 vide Memo No.379 for cancellation of the PDS licence of the petitioner was that First Information Report (F.I.R.) bearing Bihar P.S. Case No. 316 of 2020 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 suspension 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 06.07.2023 passed by the Sub-Divisional Officer, Biharsarif, Nalanda and the order dated 19.03.2024 passed by the Collector-



cum-District Magistrate, Nalanda are 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, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

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

(A. Abhishek Reddy, J)

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