

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9988 of 2022

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Surendra Mahto @ Surendra Prasad Suman S/o Shiv Narayan Mahto Resident
of Village- Gari Vishanpur, P.S.- Piri Bazar, District- Lakhisarai
... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
 2. The Collector, Lakhisarai.
 3. The Sub-Divisional Officer, Lakhisarai.
 4. The Block Supply Officer, Suryagarha, District- Lakhisarai. ... Respondents
- =====

Appearance :

For the Petitioner : Mr.N.K. Agrawal, Sr. Adv. with
Mr. Kumar Rajdeep, Adv.
For the Respondents : Mr.Arvind Ujjwal (Sc4)

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

7 12-11-2024 Heard the parties.

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

*“..... for the issuance of appropriate writ/writs,
order/orders, directions to the respondents concerned
for quashing of the order contained in Memo No. 41
dated 23.01.2021 passed by the Learned Sub-
Divisional Officer, Lakhisarai by which he was
pleased to cancel the PDS license of the petitioner
being license no. 44/1985 and also the appellate
order dated 06.05.2022 passed in Supply Appeal No.
06/2022 by the Learned District Magistrate,
Lakhisarai and further be pleased to restore the PDS
license as well as supply of the petitioner.”*

3. Learned counsel for the petitioner submits that the



solitary ground given in the show cause notice dated 22.04.2020 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Piri Bazar P.S. Case No. 21781 of 2020, dated 19.04.2020, 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 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, reported in AIR 2014 Patna 113 as well.

6. In view of the above, the impugned order dated contained in Memo No. 41 dated 23.01.2021, passed by the Sub Divisional Officer, Lakhisarai is hereby quashed and consequently the appellate order dated 06.05.2022, passed in



Supply Appeal No. 6 of 2022 (Annexure- 2) is also 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, 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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