

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10333 of 2022

Vijay Prasad S/o Ganga Prasad, Resident of Village- Mahsoni, 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
Ms Diksha Kumari, Adv.
For the Respondents : Mr.Arvind Ujjwal, SC IV

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

3 12-09-2024 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 dated 21.01.2021 contained in Memo No. 42 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. 46/1985 and further for quashing the order dated 28.04.2022 passed in Supply Appeal Case No. 4/2022 by the learned Collector-cum-District Magistrate, Lakhisarai by which the statutory appeal filed on behalf of the petitioner has been dismissed 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 vide Memo No. 202, 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. 47 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 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, AIR 2014 Patna 113 as well.

6. In view of the above, the impugned order dated 21.01.2021 contained in Memo No. 42, dated 23.01.2021 (Annexure-3) is hereby quashed and consequently the appellate



order dated 28.04.2022 (Annexure-6) 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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