

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15417 of 2021

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Nand Kishor Singh, Son of Ishwar Singh, Resident of Vilage-Tarari, P.S.-
Daudnagar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply Department, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Aurangabad.
4. The Superintendent of Police, Aurangabad.
5. The Sub-Divisional Officer, Daudnagar, Aurangabad.
6. The District Supply Officer, Aurangabad.
7. The Block Supply Officer, Daudnagar, District-Aurangabad.
8. The Block Development Officer, Daudnagar, District-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC)

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

6 11-07-2024 Heard learned counsel for the parties.

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

“(i) For setting aside the order dated 24.03.2021 passed in Supply Revision Case no. 103/2019 passed by the Commissioner Magadh Division Gaya whereunder and where by the Revision petition filed by the petitioner has been rejected affirming the order of the district Magistrate, Aurangabad dated 18.09.2018 and the order passed by the S.D.O. Daudnagar contained in Memo no. 92 dated 06.10.2017 by which P.D.S. Licence has been



terminated/cancelled.

(ii) For setting aside the order dated 18.09.2018 passed by District Magistrate Cum Collector Aurangabad in P.D.S. Case no. 52 of 2017 by which the appeal of the petitioner against order of S.D.O. Daudnagar dated 6.10.2017 has been rejected.

(iii) For setting aside the order of the S.D.O. Daudnagar contained in memo no. 92 dated 06.10.2017 by which P.D.S. licence of the petitioner has been cancelled in Gross violation of Rule 27 of Bihar Targeted P.D.S. (Control) order 2016.

(iv) For a direction upon the respondents to restore the P.D.S. licence bearing No. 20/D/1985 of the petitioner and also restore the supply of the material of the P.D.S. in accordance with law.

(v) For any other order/orders may be passed to which petitioner is entitled in the facts and circumstances in the present case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 18.09.2017 vide Memo No. 59 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Daunagar P.S. Case No. 158 of 2017 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 06.10.2017 passed by the S.D.O. Daudnagar is hereby quashed and consequently the order dated 18.09.2018 passed by the Appellate Authority and the order dated 24.03.2021 passed by the Revisional Authority are 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)

Bhardwaj/-

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