

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10596 of 2022

Shahada Khatoon, W/o Gulam Azad @ Tuntun, Resident of Village -
Garahani, P.S. - Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Bhojpur, at Ara.
3. The Sub-Divisional Officer, Sadar, Ara Bhojpur.
4. The Block Supply Officer, Garahani, District - Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Dhananjaya Nath Tiwari, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal (SC 4) Mr. Upendra Pratap Singh, Adv.

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

2 14-05-2024 Heard learned counsel for the parties.

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

“ for quashing of the order dated 25.06.2021 contained in Memo No. 983 dated 25.06.2021 passed by the Learned Sub-Divisional Officer, Sadar Ara by which he was pleased to cancel the PDS license of the petitioner being license no. 22/2016 and further for quashing the order dated 30.05.2022 passed in Appeal being numbered as Rev. Appeal Case No. 17/2022 by the learned Collector-cum- District Magistrate, Bhojpur at Ara 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 order dated 25.06.2021 vide Memo No. 983 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Garahani P.S. Case No. 85 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 25.06.2021 (Annexure-4) is hereby quashed and consequently the appellate order dated 30.05.2022 (Annexure-5) 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)

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