

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13368 of 2019

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Kamal Prasad Ray, S/o Hajari Lal Ray, Resident of Village Madarpur,P.S.
Hajipur Sadar,Dist.Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Food and Consumer Protection Department, old Secretariat,Patna
2. The District Magistrate, Vaishali,Dist.Vaishali
3. The Sub-Divisional Officer, Hajipur,Dist.Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Adv
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

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

2 23-01-2024 Heard learned counsel for the parties.

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

“.....for quashing the order passed by the Sub-Divisional Officer, Hajipur vide Memo No. 43 dated 1/10/2018 whereby and whereunder licence of the petitioner's P.D.S. shop bearing No. 67/07 has been suspended with immediate effect only on a ground that a F.I.R. has been lodged against the petitioner and shop of the petitioner has been tagged with another P.D.S. shop contained in Annexure - 1 and further to restore the petitioner's licence as before and to make the allotment for the petitioner's shop.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice for cancelling the



PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Vaishali Sadar P.S. Case No. 586 of 2018 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 01.10.2018 (Annexure-1) is hereby quashed.

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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