

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10610 of 2024

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Parmanand Prasad @ Pramanand Singh S/o Anup Singh, Resident of Village-
Gokhulpur Milki, P.S.- Hilsa, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector-cum-District Magistrate, Nalanda.
3. The Sub-Divisional Officer-cum-Licensing authority, Hilsa, Nalanda.
4. The Block Supply Officer, Hilsa, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate.
For the Respondent/s : Mr. Md. Harun Quareshi, AC to SC-1.

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

2 01-10-2024 Heard learned counsel for the parties.

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

“(i) ...for issuance of a writ in the nature of certiorari for quashing the order contained in Memo No. 490/Aa dated 27.04.2024 passed by the Respondent No. 3 (SDO Hilsa) by which the PDS License of the petitioner being License No. 39/2007 has been suspended in contravention of Rule 28 of Bihar Targeted PDS Control order 2016 because the order dated 27.04.2024 has been passed without recording any finding that the petitioner was either absconding or has gone fugitive after lodgement of FIR being Hilsa P.S. Case No. 240/2024 under Section 409 of the IPC & 7 of the EC Act.

(ii) For issuance of a writ in the nature of mandamus commanding the



Respondents to restore the PDS License No. 39/2007 and also may be directed to make allotment of the petitioner's shop."

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 08.04.2024 vide Memo No.103 for cancellation of the PDS licence of the petitioner was that First Information Report (F.I.R.) bearing Hilsa P.S. Case No. 240 of 2024 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 suspension 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 27.04.2024 passed by the Sub-Divisional Officer-cum-Licensing Authority, Hilsa, Nalanda is 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, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

10. With the above directions, the Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy, J)

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