

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10564 of 2024

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Ranjit Kumar, Son of Mathura Paswan, Resident of Village- Balua(Belhari),
Village Panchayat- Belhari, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Belaganj, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Respondent/s : Mr. Manish Kumar, Government Pleader (4)

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

2 23-09-2024

Heard learned counsel for the parties.

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

*“That this is an application for
issuance of appropriate writ/writs,
order/orders and direction/directions to
quash the order dated 10- 04-2024 contained
in Memo No. 175 by which the Ld. Sub
Divisional Officer, Sadar Gaya has cancelled
the License No. 21/2019 of the petitioner
only on the solitary ground of F.I.R lodged in
Belaganj P.S. case No. 642/2023 after its
suspension contrary to clause 28 of the Bihar
Targeted P.D.S. (Control) Order, 2016 when
the petitioner not sent to jail or gone fugitive
and for direction upon the respondent No. 3*



to continue allocation to the Public Distribution System Shop of the petitioner after declaring the order of cancellation null and void and/or pass such other order(s) as your Lordships may deem fit and proper under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 10.04.2024 vide Memo No. 175 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Belaganj P.S. Case No. 642 of 2023 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 10.04.2024 (Annexure-P/3) is hereby 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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