

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10225 of 2024

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Jai Prakash Dubey @ Shri Jai Prakash Dubey, Son of Shri Pashupati Nath Dubey Resident of Village-Mishrachak, P.S.-Nautan, District-Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Sub Divisional Officer, District-Siwan Sadar.
4. The Block Supply Officer, Jeera Deyi, Siwan.
5. The Block Supply Officer, Pachrukhi, Siwan.
6. The Block Supply Officer, Nautan, Siwan.
7. The Additional District Supply Officer, Siwan Sadar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Ms.Diksha Kumari, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr.Standing Counsel (19) Mr. Atul Shankar, AC to SC 19

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

3 25-07-2024 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 01.04.2024 passed by the Learned Collector-cum-District Magistrate, Siwan and the order dated 11.06.2022 passed by the Learned S.D.O.-cum-Licensing Authority where by and where under Clause 28 of the Bihar Target (Control) Order, the Public Distribution License of the Petitioner bearing License No.09/2016 has been suspended vide order dated 08.01.2022 on



the ground of institution of F.I.R. being Nautan P.S. Case no. 06/2022 section 420 of the I.P.C. and Section 7 of the E.C. Act and subsequently under Clause 28 of the Bihar Target (Control) Order vide order dated 11.06.2022 cancelled the PDS license of the petitioner which is totally on non-est and erroneous grounds in completely in a mechanical manner without even considering the reply of the petitioner which is the complete violation of Principle of Natural Justice.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 08.01.2022 vide Memo No. 27 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Nautan P.S. Case No. 06 of 2022 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 11.06.2022 (Annexure-5) is hereby quashed and consequently the appellate order dated 01.04.2024 (Annexure-6) 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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