

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12326 of 2022

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Md. Abulaish @ Abullais Son of Late Budhan @ Md. Salim, Resident of
Village-Ambasheikh Toli, P.S.-Piprahi, District-Sheohar (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secrerary, Department of Food and Consumer Procetion Dept.
Government of Bihar, Patna.
3. The District Magistrate, District-Sheohar.
4. The Sub-Divisional Officer, Sheohar.
5. The Block Supply Officer, Block-Piprahi, District-Sheohar.
6. Nadim Alam Son of Asfaque Alam, Resident of Village-Ambasheikh Toli,
Ward No. 10, P.S.-Piprahi, District-Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

3 01-10-2024

Re:- I.A. No. 01 of 2023

For the reasons stated in the Interlocutory Application,
it is allowed.

2. Registry is directed to make the necessary changes
in the prayer portion.

3. Heard the learned counsel for the parties.

4. The present writ petition has been filed for the
following reliefs:-

*“(a) To quash the office order being
Memo No. 88 dt. 24.02.22, issued under the
signature of Sub-Divisional Officer, Sheohar a copy
of which is annexed as Annexure-2 to this writ*



application, by which he has suspended the fair price shop license No. 15/85 of the petitioner and has tagged the same with the fair price shop of Nadim Alam and to direct the respondent to cancel the suspension order and allow the petitioner to run fair price shop; situated in Village Ambasheikh Toli, P.S. & Anchal Piparhi District- Sheohar.

(b) To pass any such other order or orders as this Hon'ble Court think fit & proper under the fact & circumstances of this case."

5. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 24.02.2022 vide Memo No. 88 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Piprahi P.S. Case No. 49 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.

6. Learned counsel for the respondents appears and has been heard.

7. 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.

8. In view of the above, the impugned order dated 24.02.2022 (Annexure-2) is hereby quashed.

9. Needless to say, supplies to the petitioner shall be restored without delay.

10. 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.

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

(A. Abhishek Reddy, J)

Gauravkr/-

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