

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11549 of 2023

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Ram Hari Singh Son of Late Sheetal Singh @ Shital Singh P.D.S dealer
Panchayat Kapsiyawan, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Civil Supply,
New Secretariat, Patna.
2. The District Magistrate, Nalanda at Bihar Sharif.
3. The Sub Divisional Officer, Hilsa, District- Nalanda.
4. The Block Supply Officer, Hilsa, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
	:	Mr. Manoj Kumar Pandey, Adv.
	:	Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad (Aag 5)

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

4 17-05-2024 Heard learned counsel for the parties.

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

*"That this writ application is being filed
on behalf of the petitioner for quashing the order
dated 28.07.2023 passed by the District Magistrate,
Nalanda in Supply Appeal No. 01/2018 whereby and
whereunder the order passed by the Learned Sub
Divisional Officer, Bihar Sharif, Nalanda dated
25.02.2017 the license of PDS shop of the petitioner
bearing license No. 41/2007 was cancelled, has
been affirmed by the District Magistrate, Nalanda."*



3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 30.09.2016 vide Memo No. 831 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Hilsa P.S. Case No. 484 of 2016 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 25.02.2017 (Annexure-3) is hereby quashed and consequently the appellate order dated 28.07.2023 (Annexure-7) 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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