

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11372 of 2024**

Prabhat Kumar Son of Krishna Singh, Resident of Village- Manjhauri, P.S.-  
Salimpur, Block- Bakhtiyarpur, Sub-Division- Barh, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Court of Divisional Commissioner, Patna.
3. The Collector-cum-District Magistrate, Patna.
4. The Sub Divisional Officer, Barh.
5. The Block Supply Officer, Bakhtiyarpur.

... .. Respondent/s

**Appearance :**

|                      |   |                                                       |
|----------------------|---|-------------------------------------------------------|
| For the Petitioner/s | : | Mr. N.K. Agrawal, Sr. Adv.<br>Mr. Kumar Rajdeep, Adv. |
| For the Respondent/s | : | Mr. Standing Counsel (12)                             |

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

3      02-12-2024                      Heard learned counsel for the parties.

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

*“That the present application is being filed on behalf of the petitioner for setting aside the order dated 02.04.2024 passed by the Learned Divisional Commissioner, Patna and the order dated 03.06.2023 passed by the Learned Collector-cum-District Magistrate, Patna and the order dated 04.05.2022 passed by the Learned*



*S.D.O.-cum-Licensing Authority, barh where by and where under exercising powers under clause 28 of the Bihar Target (Control) Order, the Public Distribution License of the Petitioner bearing License No. 301/2016 has been suspended vide order dated 21.02.2022 on the ground of institution of F.I.R. being Salimpur P.S. Case No. 22/2022 under Section 7 of the E.C. Act and subsequently exercising power under clause 28 of the Bihar Target (Control) Order vide order dated 04.05.2022 cancelled the PDS license of the petitioner which is totally on non-est and erroneous grounds completely in a mechanical manner without even supply of the enquiry report to 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 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Salimpur P.S. Case No. 22 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 04.05.2022 passed of the Sub Divisional Officer, the order dated 03.06.2023 passed by the Appellate authority and the order dated 02.04.2024 passed by the revisional authority are hereby quashed and 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)

Gauravkr/-

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