

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12140 of 2024

Sanjay Kumar Singh @ Sanjay Kumar, s/o Nagendra Kumar Singh, R/o-
Village Bathua Bujurg, Ward no.- 14, Sarayranjan, P.S.- Musrigharari,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through DM Samastipur.
2. SDM, Sarayranjan, Samastipur.
3. ADSO, Sarayranjan, Samastipur.
4. MO (Marketing Officer), Sarayranjan, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs.Archana Sinha @ Archana Shahi, Adv.
For the Respondent/s : Mr. Rajesh Kumar, AC to GP 3

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

2 05-10-2024 Heard learned counsel for the parties.

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

*“i. For Quashing of the order
dated 28/5/2024, which was passed by the
respondent number 2 by which the PDS
license was suspended of the petitioner.*

*ii. For Directing the Respondents
to reinstate the Petitioner's license and allow
him to continue operating the fair price shop.*

*iii. For any other consequential
relief or reliefs for which the petitioner is
found entitled during the course of hearing of
this writ petition.”*

3. Learned counsel for the petitioner submits that the
solitary ground given in the show cause notice dated 23.02.2024



vide Memo No. 200 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Musrigharari P.S. Case No. 177 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 28.05.2024¹ (Annexure-P/4) is hereby quashed.

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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