

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12154 of 2024

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Mohammad Zakir Hussain Son of Abdul Hamid, Resident of Village-
Bagmali, P.S.- Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, District- Vaishali.
3. The Sub- Divisional Officer, Hajipur, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Gaurav, Advocate
For the Respondent/s	:	Mr. Government Pleader (11)

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

2 30-09-2024 Heard the parties.

2. The present writ petition has been filed for grant of
the following reliefs:-

*“For issuance of an appropriate writ,
order and direction for quashing and setting aside
order passed by the Sub Divisional Officer, Hajipur
vide memo No. 17 dated 28.02.2024 whereby and
whereunder license of the petitioner’s P.D.S. Shop
bearing license no. 42/2016 has early been
suspended with immediate effect only on the ground
that a F.I.R. has been lodged against the petitioner
and subsequently to that license and agreement of
the petitioner has been cancelled and further may
kindly be directed to the licensing authority to
restore the petitioner’s license and consumers of the
petitioner’s shop like before and to make the
allotment for the same as before.”*



3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 01.11.2023 vide Memo No. 975 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Vaishali Sadar P.S. Case No. 955 of 2023 had been instituted against the petitioner. Similarly, the impugned order has been passed on the sole ground of institution of the aforesaid F.I.R. 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 28.02.2024 (Annexure P/1) passed by the SDO, Hajipur is hereby 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)

Ankit Kumar/-

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