

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11842 of 2024

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Ramji Singh, Son of Shri Jiudhar Singh, Resident of village - Bhagwanpur,
P.S. - Pawna, District- Bhojpur, Ara, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur, Ara.
3. The Sub Divisional Officer Sadar, Bhojpur, Ara.
4. The Supply Inspector, Agigawn, District- Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.
For the Respondent/s : Mr.Government Advocate 10

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

2 21-10-2024 Heard learned counsel for the parties.

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

*“.....for setting aside the
order dated 20.03.2023 passed by the
Learned Collector-cum-District Magistrate,
Bhojpur, Ara and the order dated 26.09.2021
passed by the Learned S.D.O.-cum-Licensing
Authority, Sadar Bhojpur, Ara where by and
where under Clause 28 of the Bihar Target
(Control) Order, the Public Distribution
License of the Petitioner bearing License
No.107/2007 has been suspended vide letter
612 order dated 10.05.2021 on the ground of
institution of F.I.R. being Pawna P.S. Case no
22 of 2021 under Section 7 of the E.C. Act
and subsequently under Clause 28 of the
Bihar Target (Control) Order vide letter*



no.1731 order dated 29.09.2021 cancelled the PDS license of the petitioner without giving the opportunity of being heard is totally on non-est and erroneous grounds in completely in a mechanical manner which is the complete violation of Principle of Natural Justice.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 26.09.2021 vide Memo No. 1731 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Pawna P.S. Case No. 22 of 2021 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 26.09.2021 (Annexure-P/4) is hereby quashed and consequently the appellate order dated 20.03.2023 (Annexure-P/5) 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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