

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14590 of 2022

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Ravindra Kumar, S/o Birbali Prasad, Resident of Village - Bandhuganj, P.S. - Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Jehanabad.
3. The Sub-Divisional Officer-cum-Licensing authority, Jehanabad.
4. The Block Supply Officer, Modanganj, District - Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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

4 16-04-2024 Heard learned counsel for the parties.

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

“ for quashing of the order contained in Memo No. 79 dated 04.02.2022 passed by the Learned Sub-Divisional Officer-cum-Licensing Authority, Jehanabad by which he was pleased to cancel the PDS license of the petitioner being license no. 16/2016 and further for quashing the appellate order dated 11.6.2022 passed in Supply Appeal No.13/DM/2022 by the Learned Collector Jehanabad by which he was please to dismissed the statutory appeal and affirm the order of the licensing authority dated 4.2.2022.”

3. Learned counsel for the petitioner submits that the



solitary ground given in the Memo No. 79 dated 04.02.2022 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Ghosi P.S. Case No. 137 of 2020 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 04.02.2022 (Annexure-8) is hereby quashed and consequently the appellate order dated 11.06.2022 (Annexure-9) 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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