

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15446 of 2024

Meena Sinha the Chairman Mahila Vikash Manch Wife of Lala Prasad
Resident of Village- Amwan, Ward No.-4 Bodhgaya, Police Station-
Bodhgaya, District-Gaya. ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya, Gaya.
4. The Block Supply Officer, Bodh Gaya, Dist.-Gaya. ... Respondents

Appearance :

For the Petitioner : Mr.Binay Kumar, Adv.
For the Respondents : Mr.Standing Counsel (28)

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

2 26-11-2024 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“..... for issuance of appropriate writ/writs, order/orders direction/directions to quash the order dated 09. 12-2023 contained in Memo No. 1355 by which the Ld. Sub Divisional Officer, Sadar Gaya has cancelled the License No. 66/2016 of the petitioner contrary to clause 28 of the Bihar Targeted P.D.S. (Control) Order, 2016 only on the ground of FIR when the petitioner not sent to jail or gone fugitive and for direction upon the respondent No. 3 to continue allocation to the Public Distribution System Shop of the petitioner after declaring the suspension order null and void and/or pass such other order(s) as your Lordships may deem fit and proper under the facts and circumstances of the case.”



3. Learned counsel for the petitioner submits that the solitary ground was not given any the show cause notice. The First Information Report (F.I.R.) bearing Bodhgaya P.S. Case No. 534 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 09.12.2023 (Annexure-P/5) 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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