

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16458 of 2024

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Priyanka Kumari W/o Sri Bablu Kumar Resident of Manas, Nya Panapur,
P.S.- Panapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Sub-Divisional Officer-cum-Licensing Authority, Danapur, District- Patna.
5. The Block Supply Officer, Danapur, Dist. Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. Government Pleader (20)

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

2 03-12-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

“(i) For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the order contained in Memo No. 1077/Aa dated 19.08.2020 passed by the Learned Sub- Division Officer-cum-Licensing authority Danapur by which he has cancelled the license of the petitioner being License No. 01/2018 on the basis of allegation mentioned in the FIR and further on the basis of notice where there is no stipulation of proposed cancellation.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the order dated 15.10.2022 passed in E.C. Appeal Case No. 66/2021-22 passed by the Learned Collector Patna by which he was pleased to dismiss the



Statutory appeal filed on behalf of the petitioner.

(iii) For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the order dated 02.05.2024 passed in B.T. PDS Control Revision No. 53/2023 passed by the Learned Commissioner, Patna Division, Patna by which he was pleased to dismiss the Statutory revision filed on behalf of the petitioner without considering the grounds raised on behalf of the petitioner.

(iv) For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of mandamus commanding the respondents to restore the license and allotment of the petitioner being License No. 01/2018.

(v) For other relief/reliefs for which the petitioner is entitled in the eye of law.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 03.06.2020 vide Memo No. 662 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Akilpur P.S. Case No. 29 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 19.08.2020 (Annexure-P/4) is hereby quashed and consequently the appellate order dated 15.10.2022 (Annexure-P/5) and revisional authority order dated 05.02.2024 (Annexure-P/6) are 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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