

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15791 of 2023

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Premlata Kumari Wife of- Sanjay Kumar Sah, Resident of village- Fariyani
Khokha Dakshin, Post- Khokha, P.S.- Shri Nagar, District- Purnia, Bihar,
854304.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Sub Divisional Officer, Sadar, Purnea.
3. The Block Supply Officer, Shri Nagar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Ms. Diksha Kumari, Adv.
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc 4)

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

2 21-08-2024 Heard learned counsel for the parties.

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

(i) For issuance of a writ in the nature of Certiorari for setting aside an order dated passed by the S.D.O. Sadar, Purnea on 08.10.2021 but communicated vide Letter No. 1614 dated 09.10.2021 (Annexure-7) by which PDS license No. 08/2018 has been cancelled only on the ground that a criminal case has been instituted against the petitioner under Section 7 of the Essential Commodities Act.

(ii) For holding and declaring the order dated 09.10.2021 (Annexure-7) passed by the SDO, Sadar, Purnea is liable to be set aside as same has been passed in violation of principles of Natural Justice, in as much as



the Impugned Order has been passed without considering the facts and circumstances of the case and on a ground which is non-est in the eye of law.

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 16.08.2021 vide Memo No.1539 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Purnea Srinagar (Sadar) P.S. Case No.168 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



08.10.2021 (Annexure-7) 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)

Ankit Kumar/-

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