

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15854 of 2023

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Md. Noor Alam, Son of Md. Manjur Alam, Resident of Ward No. -11,
Village-Asgawn Dilawarpur, Police Station-Bahadurpur, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner cum Secretary, Department of Food and Civil Supply,
Govt. of Bihar.
3. The District Collector, Darbhanga.
4. The District Supply Officer, Darbhanga.
5. The Sub-Divisional Officer, Sadar Darbhanga.
6. The Block Supply Officer, Bahadurpur, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

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

2 09-04-2024 Heard learned counsel for the parties.

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

*“.....for quashing the Show
Cause Notices issued back to back under
Memo No. 335A dated 29.03.2022 and Memo
No. 352 dated 30.03.2022 as in teeth of
Clause- 28 of Control Order, 2016 alongwith
the consequential order contained in Memo
No. 520A dated 13.05.2022 by the
Respondent No. 5 cancelling the License No.
95/2007 and also for quashing the Appellate
Order dated 13.06.2023 in Appeal No.
95/2022 affirming the order of the
Respondent No. 5 on the ground without
following the procedure under Clause 28 of*



the Control Order, 2016, the License has been cancelled even though the Petitioner was neither sent to jail nor was declared fugitive still instead of suspension, the license has been cancelled in violation of Principles of Natural Justice and the law laid down by this Hon'ble Court and the Petitioner further prays for restoration of the PDS License No. 95/2007.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 29.03.2022 vide Memo No. 335A and the order dated 13.05.2022 vide Memo No. 520A for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Bahadurpur P.S. Case No. 118 of 2022 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. Learned counsel has stated that the petitioner has already been granted anticipatory bail by the court of 7th Additional Sessions Judge, Darbhanga.

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 13.05.2022 (Annexure-P/14) is hereby quashed and consequently the appellate order dated 13.06.2023 (Annexure-P/18) 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)

Bhardwaj/-

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