

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17424 of 2024

Chhote Lal Pandit, Son of Rama Kant Pandit, Resident of Village-Karanpura,
Police Station-Darauli, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector cum District Magistrate, Siwan.
3. The Sub-Divisional Officer-cum-Licensing Authority, Siwan.
4. The Block Supply Officer, Darauli, District-Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr.Standing Counsel (16)

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

2 20-12-2024 Heard learned counsel for the parties.

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

*“i) For quashing the order
contained in Memo No. 714 dated
06.05.2021 passed by the Learned S.D.O.
Siwan Sadar-cum-Licensing Authority by
which the PDS license of the petitioner being
License No. 22/2018 has been cancelled.*

*(ii) For quashing the appellate
order dated 23.7.2024 passed in Supply
Appeal No. 36/2021-22 passed by the District
Magistrate, Siwan whereby and where under
he has dismissed the appeal filed on behalf of
the petitioner.*

*(iii) Further for issuance
appropriate writ/order/direction in the nature
of mandamus commanding the respondent to*



restore the license and supply of the petitioner.

(iv) Further for issuance appropriate writ/order/direction in which the petitioner found to be entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 08.06.2020 vide Memo No. 83 for suspending the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Darauli P.S. Case No. 111 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 06.05.2021 (Annexure-P/6) is hereby quashed and consequently the appellate order dated 23.07.2024 (Annexure-P/7) 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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