

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1 of 2023

Vijay Kumar Singh Son of Late Mukti Nath Singh, Resident of Village-
Benga, P.S.- Chhaurahi (O.P.) Khadabandpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The District Magistrate-cum- Collector, Begusarai, District- Begusarai.
5. The Sub- Divisional Officer, Manjhaul District- Begusarai.
6. The Block Supply Officer, Chhaurahi, P.S. Chhaurahi (O.P.) Khodabandur, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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

6 21-11-2024 Heard learned counsel for the parties.

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

*“(i) issuance of a writ in the nature
of certiorari for quashing the order dated
2.9.2022 passed in Supply Revision No.
164/2022 by learned Commissioner, Munger
Division, Munger whereby and whereunder the
Revision petition filed by petitioner has been
rejected on the ground of time barred.*

*(ii) Issuance of further writ in the
nature of certiorari for quashing the order dated
4.2.2020 passed P.D.S. Appeal No. 12/2019 by*



the Collector-cum-District magistrate, Begusarai whereby and where under the P.D.S. Appeal filed by petitioner against the order of S.D.O. cancelling the P.D.S. Licence, has been dismissed for default without deciding the appeal no. its merit.

(iii) Issuance of further writ in the nature of certiorari for quashing the order of the S.D.O. manjhaul dated 27.3.19 suspending the P.D.S. Licence of petitioner being no. 29.16 and final order dated 29.5.2019 as contained in Memo No. 556 dated 31.5.2019 whereby and whereunder the P.D.S. licence of petitioner being licence 29/16 has been cancelled with immediate effect.

(iv) Issuance of a consequential writ in the nature of mandamus directing and commanding the Respondents to restore the P.D.S. licence of Petitioner being licence no. 29/16 to its original position because the FIR being Khodabandur (Chhaurahi) P.S. Case No. 55/19 dated 18.3.19 has been found mistake of facts by the Investigating Officer and accordingly final report dated 31.8.19 has been submitted as “mistake of facts”.

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Khodabandpur (Chhaurahi) P.S. Case



No. 55 of 2019 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 27.03.2019 passed by the S.D.O., the impugned order dated 04.02.2020 passed by the Appellate authority and the impugned order dated 02.09.2022 passed by the Revisional Authority are hereby quashed and 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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