

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17711 of 2023

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Usha Kumari, Wife of- Rabindra Rai, Resident of village- Rajpur (Jaunapur),
P.S.-Patori, District- Samastipur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Samastipur.
3. The Sub Divisional Officer, Patori, District-Samastipur.
4. The Block Supply Officer, Patori, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Kuamr Rajdeep, Adv.
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc 4)

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

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

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

“.....for setting aside the order dated 12.09.2023 passed by the Learned Sub-Divisional Officer, Patori (Samastipur) by which he declined to pass any order on the license of the petitioner till outcome of criminal case being Patori P.S. Case No. 85/2010 under section 7 of the Essential Commodities Act dated 13.05.2010.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 12.09.2023 for cancelling the PDS licence of the petitioner was that an First



Information Report (F.I.R.) bearing Patori P.S. Case No. 85 of 2010 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 **12.09.2023 (Annexure-1)** is 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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