

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18515 of 2023

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Santlal Pandit, Son of Sukdev Pandit, (P.D.S. Dealer), Resident of Village-
Manora, P.S.- Bibipur (Belsar O.P), District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Vaishali.
4. The Additional District Magistrate, Vaishali.
5. The Sub Divisional Officer, Hajipur, Vaishali.
6. The Block Supply Officer, Belsar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Vivek Prasad (GP 7) Mr. Manish Singh, AC to GP 7

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

3 22-10-2024 Heard learned counsel for the parties.

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

*“a.for quashing the Order
dated 03.08.2023 passed in Supply Revision
No.166/2023 by the Divisional
Commissioner, Tirhut Division, Muzaffarpur,
which was filed against the order of the
Additional District Magistrate Vaishali
dismissing the appeal by order dated
15.12.2022 Supply Appeal No.28/2022-23
filed after order dated 04.07.2020 of Sub
Divisional Officer, Sitamarhi by which P.D.S
license No. 02/1997 of the petitioner was
cancelled are liable to be set-aside as same*



have been passed in violation of the principles of Natural Justice, in as much as the Impugned Orders have been passed without considering the facts and circumstances of the case.

b. A Mandamus commanding the Respondent to restore the petitioner's license as before and to make allotment for the petitioner's shop.

c. For issuance of any other relief or reliefs for which the petitioner is entitled in the fact and circumstances of the present case may be granted to him.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 08.04.2020 vide Memo No. 255 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Belsar P.S. Case No. 113 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 04.07.2020 (Annexure-4) is hereby quashed and consequently the appellate order dated 15.12.2022 (Annexure-6) as well as the order dated 03.08.2023 (Annexure-8) passed by Revisional Authority are 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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