

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17976 of 2023

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Chanda Devi @ Chanda Kumari W/o Dharmbir Choudhary, Resident of
Pareua, Ward No.-1, P.S.-Raxaul, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, East Champaran at Motihari.
3. The Sub-Divisional Officer, Raxaul, District-East Champaran.
4. The Block Supply Officer, Raxaul, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak
For the Respondent/s : Mr.Government Pleader (18)

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

2 19-01-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

*“That this writ petition is being
filed on behalf of the petitioner for issuance
of appropriate writ/writs, order/orders,
directions to the respondents concerned, and
for quashing of the order dated 16.11.2023
contained in Memo No. 1868 dated
18.11.2023 passed by the Learned Sub-
Divisional Officer, Raxaul-cum-licensing
authority by which the PDS license of the
petitioner being License No. 05/2018 has
been cancelled on the basis of institution of
FIR which is bad and illegal in the eye of
law and further be pleased to restore the
license and supply of the petitioner.”*

3. Learned counsel for the petitioner submits that the
solitary ground given in the show cause notice dated 08.09.2021



vide Memo No. 906 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Raxaul (Haraiya) P.S. Case No. 315 of 2021 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 16.11.2023 (Annexure-5) is hereby quashed.

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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