

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1674 of 2024

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Bharat Paswan Son of Musafir Paswan, Resident of Village - Anantpur, P.O. -
Amarpura, P.S. - Naubatpur, District – Patna ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
 2. The District Magistrate, Patna.
 3. The Sub Divisional Officer, Danapur, District- Patna.
 4. The Block Development Officer, Naubatpur, District - Patna.
 5. The Block Supply Officer, Naubatpur, District – Patna. ... Respondents
- =====

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Adv. with
M/s Arvind Kumar & Kumar Rajdeep, Advs.
For the Respondents : Mr. Standing Counsel (15)

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

2 13-05-2024 Heard the parties.

2. The present writ petition has been filed for the
following relief(s) :

a. For issuance of a writ in the nature of Certiorari for quashing the Order dated 28.08.2023 passed by the Sub-Divisional Officer on remand from the Learned Collector, Patna in appeal vide Appeal No. 47/2021-22 dated 30.11.2022, by which the Learned S.D.O. has again cancelled the petitioner's license because earlier the license of the petitioner was cancelled by the then S.D.O. illegally because the earlier order of the S.D.O. dated 01.07.2020 had already been set aside by the Collector and the 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 Respondents 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 relief(s) 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 18.01.2019, for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Naubatpur P.S. Case No. 621 of 2018 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 28.08.2023 (Annexure-P/10) is hereby quashed and consequently the appellate order dated 30.11.2022 (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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