

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13232 of 2018

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Sunita Devi Wife of Late Uday Rai, Resident of Village and P.O.- Purana
Panapur, P.S.- Akilpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Patna, District- Patna.
3. The Sub- Divisional Officer, Danapur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh
For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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

3 25-01-2024 Heard the learned counsel for the parties.

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

*“A. cetiorari for quashing and
setting aside the order passed by the Sub-
Divisional Officer, Danapur vide Memo No.-
1174 dated 28/10/2016 whereby and
whereunder license of the petitioner’s Fair
Price Shop bearing No. 66/16 has been
cancelled contained in Annexure-1.*

*B. A mandamus commanding the
Respondents to restore the petitioner’s
license as before and to make allotment for
the petitioner’s shop.*

*C. Any other relief or reliefs for
which petitioner may be found 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 17.10.2016
vide Memo No. 1122 for cancelling the PDS licence of the



petitioner was that a First Information Report (F.I.R.) bearing Akilpur P.S. Case No. 42 of 2016 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 28.10.2016 (Annexure-1) 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 present Writ Petition
stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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