

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2457 of 2025

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Kailash Harijan, Son of Thuthu Das @ Thuthu Harijan Resident of village-
Kateli, P.S - Banka, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna
2. The Commissioner, Bhagalpur Division, Bhagalpur
3. The Collector, Banka
4. The Sub-Divisional Officer, Banka
5. The Block Supply Officer, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Subodh Prasad, Adv.
For the Respondent/s : Mr.Standing Counsel (9)

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

3 18-06-2025 Heard learned counsel for the parties.

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

*“That this is an application for
issuance of an appropriate writ, order or
direction ,quashing the order dated
9.12.2024 at Annexure-7 passed by the
Commissioner Bhagalpur Division,
Bhagalpur, order dated 16.6.2023 at
Annexure-5 passed in Appeal Case
No.60/2022-23 by the Collector, Banka and
order No.1093 dated 30.12.2022 at
Annexure-4 passed by S.D.O. Banka by
which P.D.S. License of petitioner has been
cancelled by the S.D.O. Banka and Collector,
Banka and the Commissioner, Bhagalpur
have affirmed the order of S.D.O. Banka.”*



3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 30.12.2022 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Banka P.S. Case No. 353 of 2022 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 30.12.2022 (Annexure-4) is hereby quashed and consequently the revisional order dated 09.12.2022 (Annexure 7) and the appellate order dated 16.06.2023 (Annexure-5) 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)

Bhardwaj/-

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