

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6440 of 2024

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Suraj Ram, aged about 64 years, Gender-Male, Son of Late Kripal Ram
Resident of Village-Burhwal, P.S.-Karakat, Distirct-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Departments Govt. of Bihar, Patna.
2. Principal Secretary, Civil Supply Department, Patna.
3. District Magistrate Cum Collector, Rohtas at Sasaram.
4. Sub-Divisional Officer, Bikramganj, Dist.-Rohtas.
5. District Supply Officer, Rohtas at Sasaram
6. Block Supply Officer, Karakat, Dist-Rohtas.
7. Divisional Commissioner Patna, Division.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate.
Ms. Shrishti Rani, Advocate.

For the Respondent/s : Mr. Government Pleader (3).

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

7 04-02-2025 Heard learned counsel for the parties.

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

*“...for the issuance of writ/writs,
direction/s and order/s by the direction of this
Hon’ble Court in CWJC NO. 24291 of 2018
order dated 10.08.2022 of the Hon’ble Mr.
Justice Ashutosh Kumar and Hon’ble Mr. Justice
Jitendra Kumar of this Hon’ble Court has given
direction since the petitioners has not exhausted
his remedy of preparing a revision petition
against the aforesaid order w.e.f. are not inclined
to entertain this petition at this stage of petition
is disposed of with a direction that in case a*



petitioner prefer a revision before the appropriate authority within a period of 30 days. The petitioner shall be considered and orally after giving sufficient opportunity to the petitioner to represent his case a final order shall be passed by the authority shall be made unavailable to the petitioner forcefully. This was the direction of this Hon'ble Court of dated 10.08.2022."

The additional prayer sought for by the petitioner in the

I.A. No.1 of 2025 are as follows:-

*"For setting aside the order dated 24.01.2018 contained in memo No. 39/Aa passed by learned Sub-Divisional Officer, Bikramganj and the order dated 06.07.2018 passed in Supply Appeal Case No. 02/2018 by learned collector, Rohtas (Sasaram) as well as the order dated 06.07.2023 passed in BTPDS control revision 399 of 2022 passed by the Divisional Commissioner, Patna.
(ii) For restoring the license of the petitioner for PDS shop vide license No. 50/07 after considering the facts and circumstances of this case."*

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 09.10.2017 vide Memo No. 414 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Karakat P. S. Case No. 211 of 2017 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 suspension 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 24.01.2018 passed by the Sub-Divisional Officer, Bikramganj, order dated 06.07.2018 passed by the Collector, Rohtas (Sasaram) and the order dated 06.07.2023 passed by the Divisional Commissioner, Patna are 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, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with



law.

10. With the above directions, the Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy, J)

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