

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3276 of 2025

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Tufani Ram, Son of Sri Buni Ram, Resident of Village- Damrapur Ward No. 5, P.S.- Mainatand, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Sub-Divisional Officer cum Licensing Authority, Kahalgaon, Bhagalpur.
5. The Block Supply Officer, Pirpainti, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Karna, Adv.
For the Respondent/s : Mr.Government Pleader (05)

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

2 16-05-2025

Heard learned counsel for the parties.

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

“(i) Issuance of further writ in the nature of certiorari for quashing the order contained in Memo No. 330 dated 11.10.2024 issued by the Sub Divisional Officer cum Licensing Authority, Narkatiaganj refusing to restore the license of the Petitioner on the illegal and nonest ground of FIR/Final Form by the Police.

(ii) Issuance of declaration that the Sub-Divisional Officer cum Licensing Authority, Narkatiaganj committed manifold illegalities by passing the order dated 11.10.2024 in as much as that he had defied the order of the



Appellate Authority dated 12.12.2023, he had acted in breach of the law laid down in the case of Umesh Ram Vs the State of Bihar and other (Reported in AIR 2014 Patna 113) & Babulal Ram vs the State of Bihar and others (C.W.J.C. No. 8168 of 2023) holding suspension/cancellation on the ground of FIR being illegal and finally the Licensing Authority had repeated the malafide action by solely relying in the criminal case as had been done by him while passing the order of suspension under Memo No. 337 dated 01.06.2021.

(iii) Issuance of writ in the nature of certiorari for quashing the order of suspension contained in Memo No. 337 dated 01.06.2021 issued by the Sub Divisional Officer, Narkatiaganj, being mechanical and nonest in the eyes of law.

(iv) Issuance of declaration that the Petitioner is entitled for restoration of his PDS license who had been in the web of illegal orders starting from illegal suspension order dated 01.06.2021 based on FIR and ending in the illegal order by the same Authority dated 11.10.2024 thereby the Petitioner had suffered loss of livelihood for nearly four years making him entitled for adequate compensation.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 21.05.2021 vide Memo No. 309 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Maanpur P.S. Case No. 32 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 11.10.2024 (Annexure-P/10) is hereby quashed and consequently the order dated 01.06.2021 (Annexure-P/5) passed by the Sub-Divisional Officer 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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