

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8095 of 2024

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Umesh Narayan Tiwari Son of Late Mahadev Tiwari, Resident of village-
Ghurghat, P.S.- Siswan, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar.
2. The Sub Divisional Officer, Siwan Sadar.
3. The Block Supply Officer, Block- Siswan , District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv.
	:	Mr. Kumar Rajdeep, Adv.
	:	Ms. Diksha Kumari, Adv.
For the Respondent/s	:	Mr. Standing Counsel 6

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

5 12-02-2025 Heard the learned counsel for the parties.

Re: I.A. No. 01 of 2024.

2. For the reasons mentioned in the above
Interlocutory Application, the same is allowed.

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

*“i. For issuance of a writ in the nature of
Certiorari for quashing the order dated 31.03.2023 passed
by the SDO, Siwan, Sadar whereby and where under the
Public Distribution License of the Petitioner bearing
License No.1203/16 has been cancelled on totally non-est
and erroneous grounds in completely mechanical manner-
without even considering the reply of the Petitioner.*

*ii. For holding and declaring the Order dated
31.04.2023 passed by the SDO, SDO, Siwan, Sadar liable*



to be set-aside as same has been passed in violation of principles of Natural Justice, in as much as the Impugned Order has been passed without considering the facts and circumstances of the case.

iii. For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

4. The following reliefs has been added by way of I.A. No. 01 of 2024.

“1. That this Interlocutory Application is being filed for amending the prayer in the writ petition for quashing the order dated 26.08.2023 passed by the SDO Siwan whereby and where under the Public Distribution License of the petitioner bearing License no, 1203/2026 has been cancelled only on the ground that a FIR has been registered against him non-est and erroneous.

2. That by order dated 03.07.2023 the SDO Siwan suspended the license of the petitioner on the ground that an Fir has been registered against him i.e Siswan P.S Case No 104 of 2023.”

5. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 29.11.2022 vide Letter No. 1005 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Siswan P.S Case No 104 of 2023 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.

6. Learned counsel for the respondents appears and has been heard.



7. 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.

8. In view of the above, the impugned order dated 26.08.2023 (Annexure-2) is hereby quashed.

9. Needless to say, supplies to the petitioner shall be restored without delay.

10. 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.

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

(A. Abhishek Reddy, J)

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