

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10686 of 2022

Md. Mumtaz Ahmad @ Syed Mumtaz Ahmad Son of Ali Hasan, Resident of
Village- Sonwal, P.S.- Paharpur, District- East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, District- East Champaran, Motihari.
3. The District Supply Officer, Motihari, District- East Champaran, Motihari.
4. The Sub- Divisional Officer, Areraj, District- East Champaran, Motihari.
5. The Block Supply Officer, Paharpur, District- East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

11 21-01-2025

Heard learned counsel for the parties.

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

“(i) To issue Writ of Certiorari or any other appropriate Writ order to set aside the order contained in Memo No. 175 dated 22.07.2021 (Annexure- 4) to the extent whereby Respondent No. 4 has cancelled the PDS fair price Shop License No. 18/16 issued to the Petitioner.

(ii) To issue Writ of Certiorari or any other appropriate Writ order to set aside the cryptic show cause notice contained in Memo No. 158 dated 09.07.2021 (Annexure- 3) issued to the Petitioner by the Respondent No. 4.



(iii) To issue consequential Writ of Mandamus or any other appropriate Writ order direction directing the Respondents particularly Respondent No. 3 to 5 to immediately restore the aforesaid PDS fair price Shop with supplies, issued to the petitioner.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 09.07.2021 vide Memo No. 58 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Paharpur P.S. Case No. 97 of 2020 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 letter dated 09.07.2021 (**Annexure-3**) is hereby quashed and consequently the order dated 22.07.2021 (Annexure-4) 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)

Bhardwaj/-

U			
---	--	--	--

