

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11306 of 2022

Dev Kumar Harijan, Son of Kisanlal Harijan, Resident of Village - Titlia,
Panchayat - Najarpur, P.S - Kochadhaman, Block - Kochadhaman, District -
Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer, Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer, Bihar Patna.
3. The District Magistrate-cum-Collector, Kishanganj.
4. The Sub-Divisional Officer, Kishanganj.
5. The Block Supply Officer, Kochadhaman, District - Kishanganj.

... .. Respondent/s

Appearance :

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

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

7 22-07-2025

Heard learned counsel for the parties.

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

“1. For quashing of order dated 31.07.2021 contained in Memo No.664 passed by the Sub-Divisional Officer, Kishanganj (respondent No.4) whereby and where under licence of P.D.S. Shop of petitioner bearing reg. No. 15KD/20016 has been cancelled.
II. For further to quashing of order dated 25.03.2021 contained in Memo No. 255 passed by the Sub-Divisional Officer, Kishanganj (respondent No.4) whereby and where under licence of P.D.S. Shop of petitioner bearing reg. No. 15KD/20016 has been suspended.



III. For further direction upon the respondent authorities to reissue the licence of P.D.S. Shop of petitioner bearing reg. No. 15KD/20016.

IV. Also for any other relief/reliefs for which the petitioner is entitled in the eye of law.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 25.03.2021 vide Memo No. 256 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Kochadhaman P.S. Case No. 78 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 31.07.2021 (Annexure-6) and the order dated 25.03.2021 (Annexure-3) 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, 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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