

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10401 of 2024

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Ramauatar Uraon Son of Prasad Uraon, resident of Village-Turkulhawa
Gudgudi, Police Station-Dumari, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food Supply and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, West Champaran at Bettiah.
3. The Additional Collector, West Champaran at Bettiah.
4. The Licensing Authority cum Sub Divisional Officer, Bagaha District-West Champaran.
5. The Block Supply Officer, Ramnagar, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Adv.
For the Respondent/s	:	Mr. Standing Counsel 24
For the State	:	Mr. Anirban Kundu, Adv.
		Mr. Rajat Kumar Tiwary, Adv.

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

3 23-09-2025 Heard learned counsel for the parties.

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

*“That, this application is being filed
for issuance of a writ in the nature of certiorari
or any other appropriate writ or writs for
quashing the order dated 30.03.2024 passed by
the respondent no. 3 in Case No. C.R.M. 491 of
2017-18 vide which the appeal filed by the
petitioner against the order dated 10.10.2017
passed by the respondent no. 4 has ben
dismissed and also for quashing the order as
contained in memo no. 521 of 10.10.2017*



passed by the respondent no. 4 vide which he has cancelled the P.D.S. License No. 13 of 2007 of the petitioner.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Ramnagar P.S. Case No. 311 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 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



10.10.2017 (Annexure-P2) is hereby quashed and consequently the appellate order dated 30.03.2024 (Annexure-P1) 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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