

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11173 of 2023

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Md. Najmul Haque @ Najmul Haque son of Late Ajijul Rahman, Resident of
village-Sirpatol, P.S.-Balrampur, District-Katihar ... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna, District-Patna.
 2. The District Magistrate, Katihar, District-Katihar.
 3. The Additional Collector, Katihar, District-Katihar.
 4. The Sub-Divisional Officer, Barsoi, District-Katihar.
 5. The Block Supply Officer, Balrampur, District-Katihar. ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Bimal Kumar, Adv.
For the Respondents : Mr. Anisul Haque, AC to AAG V

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

6 07-08-2025 Heard the parties.

2. The present writ petition has been filed for the
following relief(s) :

*“..... for issuance of a writ in the nature of
"certiorari" for quashing and setting aside the order
dated 02.03.2023 passed by the Additional Collector,
Katihar in supply Appeal No. 01/2022-23 whereby
and whereunder he has pleased to reject the appeal of
the petitioner and affirm the order dated 31.12.2021
vide memo No. 843 Passed by the Sub-Divisional
Officer, Barsoi, Katihar whereby he has cancelled the
Public Distribution System Shop (where in after
called PDS shop) of the Petitioner bearing license
No. 16/85.*

For issuance of a Writ in the nature of "Mandamus"



commanding and directing the Respondents Authority to restore the license of the Petitioner as before and to make allotment for the petitioner's shop.

For issuance of any other Writ/Writs, Order/Orders, Direction/Directions for which the Petitioner is found entitled to.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 14.12.2021 vide Memo No. 815 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Balarampur P.S. Case No. 171 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 31.12.2021 vide Memo No. 843 is hereby quashed and consequently the appellate order dated 02.03.2023 (Annexure-7) 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)

Shamshad/-

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