

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11393 of 2024

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Kamlesh Kumar Singh S/o- Late Avinash Kumar Singh R/o- Dekpura, P.S.-
Rahui, Dist- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Department,
Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Sub- Divisional Officer cum Licensing Authority, Biharsharif, Nalanda.
4. The Block Supply Officer, Rahui, Nalanda.
5. The Divisional Commissioner, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishal Vikram Rana, Adv.
	:	Ms. Misha Bharti, Adv.
	:	Mr. Zeeshan Khan, Adv.
	:	Ms. Pallavi, Adv.
For the Respondent/s	:	Mr. Standing Counsel (5)

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

2 24-04-2025 Heard the learned counsel for the parties.

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

*“I. To quash the Order dated
23.03.2023 in BTPDS Control Revision Case
No. 127 of 2022.*

*II. To direct the respondent
authority to re-instate the PDS license of the
petitioner.*

*III. And, for any other relief,
which may deem fit and proper in the facts
and circumstances of the case.”*

3. Learned counsel for the petitioner submits that the
solitary ground given in the show cause notice dated 07.04.2020
vide Memo No. 506 for cancelling the PDS licence of the



petitioner was that an First Information Report (F.I.R.) bearing Rahui P.S. Case No. 113 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 order dated 23.03.2023 (Annexure-P/4) is hereby quashed.

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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