

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14829 of 2022

Shiv Prasad Nat @ Shiv Prasad Son of Late Gomani Khalifa, Resident of
Village - Parha Akabarpur, P.S. - Karpi, District – Arwal ... Petitioner
Versus

1. The State of Bihar through the District Magistrate, Arwal.
2. The Sub-Divisional Officer, Sadar Arwal, District - Arwal.
3. The Block Supply Officer, Karpi, District – Arwal. ... Respondents

Appearance :

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

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

4 15-07-2025 Heard the parties.

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

*“..... for quashing the order dated 24.11.2016
passed by the S.D.O Arwal (respondent no 2) by
which petitioner's PDS license no 05/1999 has been
cancelled as well as the order dated 22.06.2019
passed by the learned D.M., Arwal has affirm the
order passed by SDO Arwal in Supply appeal no
09/DM/2017.”*

3. Learned counsel for the petitioner submits that the
solitary ground given in the show cause notice dated 12.06.2017
vide Memo No.272 for cancellation of the PDS license of the
petitioner was that a First Information Report (F.I.R.) bearing
Kinjar P. S. Case No. 63 of 2016 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 suspension of the PDS license. 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 24.11.2016 passed by the Sub-Divisional Officer, Arwal, and the order, dated 22.06.2019 passed by the District Collector, Arwal, in Supply Appeal No. 09/DM/2017 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, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

10. With the above directions, the Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy , J)

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