

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15426 of 2024

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Sudan Kumar S/o Rajendra Prasad Resident of North Jaiprakash Nagar,
Ashiyana Digha Road, C.R.P.F. Camp, P.S.- Rajivnagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector-cum- District Magistrate, Patna.
3. The Sub-Divisional Officer-cum- Licensing Authority, Patna Sadar, Patna.
4. The Supply Inspector, Ward No.- 18, Rationing Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Government Advocate 5

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

4 17-03-2025 Heard learned counsel for the parties.

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

“(i) For issuance of a writ in the nature of certiorari for quashing the order contained in Memo No. 559/Aa dated 02.08.2024 passed by the S.D.O-cum-Licensing authority Patna Sadar by which the PDS license of the petitioner being License Mno. 155/2016, FPS Code No. 223000100361, has been suspended in contravention of Rule 28 of Bihar Targeted PDS Control Order 2016 because the order dated 02.08.2024 has been passed without recording any finding that the petitioner was either absconding or has gone fugitive after institution of FIR being Jakkampur P.S. Case No. 385/2024 dated 19.7.2024 under section 7 of the E.C. Act & U/s 316(2)/316(5)/318(4)/3(5) of B.N.S Act 2023.

(ii) For issuance of a writ in the nature of mandamus commanding the Respondents to restore the PDS license No. 155/2016 and also may



be directed to make allotment of the petitioner's shop.

(iii) For any other relief/reliefs for which the petitioner is found entitled in the eye of law. ”

3. Learned counsel for the petitioner submits that the solitary ground given for suspension of the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Jakkanpur P.S. Case No. 385/2024 dated 19.07.2024 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 02.08.2024 (Annexure-P/3) 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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