

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15142 of 2024

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Sukhdeo Prasad Son of Fatiga Prasad Resident of Ward No.09, Karmwa
Bharwallia P.S.- Manjhaulia District- West Champaran (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. Directorate of Consumer Protection Department, Govt. of Bihar, through its Director.
3. The District Magistrate, West Champaran, West Champaran District-Bettiah.
4. The Additional District Magistrate, West Champaran, West Champaran District-Bettiah.
5. The S.D.O. Bettiah Sadar, West Champaran, District
6. The Block Supply Inspector, Majhaulia, West Champaran, District-
7. The Block Supply Inspector, Chanpatia, West Champaran, District-
8. The Block Supply Inspector, Bariya, West Champaran, District-
9. The SHO, Majhaulia, West Champaran, District-

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyam Sundar Kumar, Adv.
For the Respondent/s : Mr. Standing Counsel (4),

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

2 31-01-2025 Heard learned counsel for the parties.

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

*“(i) For the issuance of Certiorari to
set aside the order dated 14.08.2024 passed by
the Court of learned Additional District
Magistrate, West Champaran, Bettiah in the
Case No. CRM 1403/2023-24, Sukhdeo Prasad
Versus State (contained in Annexure P/8 of this
writ) whereby and where under he was pleased*



to dismiss the Appeal of this petitioner finding no fault in the order dated 30.09.2023 bearing Memo No. 873/आ 0 dated 30.09.2023 passed by the sub Divisional Officer, Bettiah Sadar.

(ii) For issuance of Certiorari to also set aside the order dated 30.09.2023 (Memo No. 873/आ 0) passed by learned sub Divisional Officer, Bettiah (Annexure-P/7 of this Writ) whereby and where under he was pleased to cancel the Licence of Public Distribution System (herein after mentioned as PDS) bearing Licence No. 100/2021 renewed) on the ground of shortage of stock up to 1106 kg. Wheat and 2364 k.g. Rice.

(iii) For issuance of Certiorari against the respondents concerned to return the PDS Licence of the petitioner bearing Licence No.100/2016 (100/2021 Renewed).

(iv) To set aside the Inquiry Report dated 28.06.2020 conducted by the Joint committee/group of the (I) Block Supply Inspector, majhauria (ii) Block Supply Inspector Chanpatiya and (iii) Block supply Inspector, Bariya (Annexure-P/2) of this Writ) whereby and where under shortage of stock/grains in the 'Godam' has been wrongly shown."

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 Manjhaulia P.S. Case No. 528 of 2023 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 30.09.2023 (Annexure-P/7) is hereby quashed and consequently the appellate order dated 14.08.2024 (Annexure-P/8) 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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