

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15895 of 2024

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Ravindra Kumar Thakur, Son of Ramchandra Thakur, Resident of Village-
Hirapatti, P.S.- Jadiya, District- Supoul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Supoul, District- Supoul.
3. The Sub-Divisional Officer, Triveniganj, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Labh, Adv.
For the Respondent/s	:	Mr.Government Pleader (02)

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

5 24-02-2025 Heard learned counsel for the parties.

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

“1. A Certiorari for quashing and setting aside the order passed by the Sub-Divisional Officer, Triveniganj vide Memo No. 693 dated 15/11/2022 whereby and where under license of the petitioner's fair price shop bearing No. 37/2018 has been cancelled with immediate effect on a ground of F.I.R. lodged against the petitioner without applying his own judicial mind.

II. A mandamus commanding the Respondents to restore the petitioner's license as before and to make allotment for the petitioner's shop.

III. Any other relief or reliefs for which petitioner may be found entitled in the fact and circumstances of the present case



may be granted to him.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 18.10.2022 vide Memo No. 653 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Jadiya P.S. Case No. 189 of 2022 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 15.11.2022 (Annexure-1) is 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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