

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18299 of 2022

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Lalmuni Sah S/o Late Narayan Sah, Resident of Village- Bhadari (Muri), P.S.-
Chainpur, District- Kaimur ... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
 2. The Commissioner, Patna Division, Patna.
 3. The Collector-cum-District Magistrate, Kaimur.
 4. The Sub Divisional Officer-cum-Licensing Authority, Bhabhua, Kaimur.
- ... Respondents
- =====

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Adv. with
Mr. Kumar Rajdeep, Adv.
For the Respondents : Mr. Arvind Ujjwal (Sc 4)

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

5 06-05-2025 Heard the parties.

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

(i) For issuance of appropriate writ/writs, order/orders, direction in the nature of certiorari quashing the order dated 30.06.2022 passed in E.C. Act Revision Case No. 91/2022 passed by the Learned Divisional Commissioner, Patna Division, Patna whereby and where under he has confirmed the order dated 25.05.2021 passed by the District Magistrate, Kaimur by which the statutory appeal was dismissed.

(ii) Further for quashing the order dated 25.05.2021 passed in Supply Appeal Case No. 07/20-21 by the District Magistrate, Kaimur whereby and where under he has confirmed the order contained in Memo



No. 1257(Aapurti) dated 7.10.2020 passed by the Learned S.D.O-cum-Licensing Authority, Bhabhua, Dist. Kaimur.

(iii) Further for quashing the order contained in Memo No. 1257/Aa dated 07.10.2020 passed by the Learned S.D.O.-cum-Licensing Authority, Bhabhua by which the PDS license of the petitioner being License No. 53/2016 has been cancelled

(iv) Further for issuance appropriate writ/order/direction for restoration of PDS License and/or the petitioner found to be entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the solitary ground seeking cancellation of the PDS license in the show cause notice dated 24.04.2020 vide Memo No. 814 was that a First Information Report (F.I.R.) bearing Bhabhua P.S. Case No. 229 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 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 30.06.2022 passed by the Divisional Commissioner, Patna, in Revision Case No. 91 of 2022 (Annexure-5) is hereby quashed and consequently the appellate order dated 25.05.2021, passed by the District Magistrate, Kaimur at Bhabhua, in Supply Appeal Case No. 07 of 2020-21 (Annexure-3/I) and the order dated 07.10.2020 passed by the S.D.O.-cum-Licensing Authority, Kaimur at Bhabhua, vide Memo No. 1257/Aa (Annexure 3) are 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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