

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17861 of 2023

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Nitu Kumari W/o Noumi Kumar Tudu Resident of village- Neepania, P.O
Dudhari, P.S. Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Supply and Food Bihar, Patna.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Collector, Banka.
4. The Sub Divisional Officer, Banka.
5. The Block Supply Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)

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

4 23-01-2025 Heard learned counsel for the parties.

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

*“That this is an applicatin for
issuance of an appropriate writ, order or
direction quashing the order dated 24.5.2023
passed in Misc. (Supply) Revision No. 5/2023-
24 by the Commissioner, Bhagalpur Division,
Bhagalpur as contained in annexure P-4 to this
petition and order dated 25.11.2022 passed in
Appeal (Supply) Case No. 7/2022-23 by the
Collector, Banka as contained in Anneuxre P-3
and order dated 08.12.2020 passed by the
S.D.O. Banka in Supply Case No.206/2021-22
as contained in Annexure-P-2 by which P.D.S.*



License of the lady petitioner has been cancelled without asking show cause to her and commissioner, Bhagalpur has dismissed the case of petitioner only on the ground of limitation.”

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 Banka P.S. Case No. 985 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 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



08.12.2020 (Annexure-P-2) passed by the Sub Divisional Officer, the impugned order dated 25.11.2022 (Annexure- P-3) passed by the appellate authority and the order dated 24.05.2023 (Annexure- P-4) passed by the revisional authority are hereby quashed and 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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