

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17358 of 2023

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Shambhu Nath Ray Son of Late Dhodha Ray, Resident of Village- Madhopur,
P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply,
Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Samastipur.
3. The Sub-Divisional Officer, Patori, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Singh
For the Respondent/s	:	Mr. S. Raza Ahmad (Sc 20)

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

4 18-02-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

*“1. That this application is being
filed for issuance of a writ of appropriate
nature for quashing of order dated
10.05.2010, contained in memo no. 1536, by
which the Sub-Divisional Officer, Patori,
Samastipur, has cancelled the PDS License
of the petitioner vide no. 56/1985, and for
further quashing of the order dated
12.09.2023 passed by the same authority
passed in PDS Appeal case no. 47/2010 by
which the license authority has again
affirmed it earlier order of cancellation and
divied to restore the petitioners license, with
further prayer to restore the PDS License of
petitioner vide License No. 56/1985.”*



3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 11.02.2010 vide Memo No. 487 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Patori P.S. Case No. 85 of 2010 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 10.05.2010 (Annexure-P/2) is hereby quashed and consequently the order dated 12.09.2023 (Annexure-P/7) 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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