

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17049 of 2023

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Tribhuwan Manjhi son of Deo Bisahi Narayan Manjhi, resident of Village Berki, Bisahi, P.S. Dariyapur, District Saran at Chapra. ... Petitioner

Versus

1. The State of Bihar Bihar.
 2. The Principle Secretary Food and Civil Supply Department, Bihar, Patna.
 3. The Secretary Food and Civil Supply, Bihar, Patna.
 4. The Divisional Commissioner Saran Division Saran at Chapra.
 5. The District Magistrate Saran at Chapra.
 6. The District supply Officer Saran at Chapra.
 7. The Licensing Authority Cum Sub-Divisional Officer Sonpur, District Saran at Chapra.
 8. The Block Supply Officer Sonpur District Saran at Chapra. ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Ajay Kumar Sharma, Adv.
For the Respondents : Mr.Anirban Kundu (Sc24)

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

4 20-02-2025 Heard the parties.

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

(i) For quashing order bearing Memo No. 338 dated 28.06.2017 issued by Sub Divisional Officer, Sonpur, Saran whereby the petitioner's P.D.S Licence has been canceled.

(ii) For issuance of appropriate direction to restore P.D.S Licence No. 147/2016 in favour of petitioner and grant consequential relief in the facts and circumstances of this case.

(iii) For any other appropriate relief reliefs to the



petitioner is found entitled in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the solitary ground for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Dariyapur P.S. Case No. 163 of 2017 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 28.06.2017 (Annexure-3) is hereby quashed.



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)

Shamshad/-

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