

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17807 of 2024

Vijay Luxmi Devi W/o Late Vinod Kumar Singh, Resident of Village-
Rajapakar (South), P.S.-Rajapakar, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Vaishali.
3. The Sub-Divisional Officer cum Licensing Authority, Mahua, Vaishali.
4. The Block Supply Officer, Rajapakar, Dist. Vaishali.
5. The Officer In-charge, Rajapakar Police Station, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr. Government Advocate 10

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

3 18-03-2025

Re:- I.A. No. 01 of 2025

For the reasons stated in the Interlocutory Application,
it is allowed.

2. Registry is directed to make the necessary
amendments in the prayer portion.

3. Heard learned counsel for the parties.

4. The present Writ Petition has been filed for the
following reliefs:-

*“That the writ is being filed on
behalf of the petitioner for issuance a writ in the
nature of mandamus commanding the
Respondents especially Respondent No. 2 & 3 to
get physical verification of the stock of the
petitioner who is the Public Distribution System*



dealer in terms of order contained in Memo No. 48/Aa dated 24.9.2024 passed by the Licensing Authority at earliest.”

5. The following prayer has been added by filing Interlocutory Application No. 01 of 2025:-

“That this interlocutory application is being filed on behalf of the petitioner for amendment of prayer to the extent that this writ petition is being also filed on behalf of the petitioner for setting aside the order contained in Memo No. 120 dated 24.01.2025 by which the PDS license of the petitioner being License No. 29/2016 has been cancelled on the basis of a show cause notice dated 11.9.2024 where there is no stipulation of proposed punishment in terms of Rule 27(ii) of Bihar Targeted PDS Control order 2016.”

6. 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 the First Information Report (F.I.R.) bearing Rajapakar P.S. Case No. 322 of 2024 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.

7. Learned counsel for the respondents appears and has been heard.



8. 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.

9. In view of the above, the impugned order dated 24.01.2025 (Annexure-I/1) is hereby quashed and set aside.

10. Needless to say, supplies to the petitioner shall be restored without delay.

11. 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.

12. With the above directions, the Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

Gauravkr/-

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