

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18442 of 2024

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Satish Prasad Sah S/o Late Dev Kumar Singh Resident of Village-Sonmai,
P.S. Dhanarua, District-Patna ... Petitioner

Versus

1. The State of Bihar Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
 2. The District Magistrate, Patna.
 3. The Sub-Divisional Officer, Masaurhi, Patna.
 4. The Block Supply Officer, Dhanarua, Patna. ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Vijay Anand, Adv.
For the Respondents : Mr.Standing Counsel (4)

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

2 23-04-2025 Heard the parties.

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

“..... for setting the order dated 19.12.2019 issued under the signature of Learned S.D.O. Masaurhi whereby and whereunder the S.D.O was pleased to cancel the P.D.S license granted to the petitioner for carrying out the business of a public distribution shop in panchayat Sonmai, Block Dhanarua, District Patna.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 19.12.2019 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Dhanarua P.S. Case No. 466



of 2019 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 19.12.2019 vide Memo No. 452 (Annexure-P-3) and the order, dated 02.05.2022 vide Memo No. 333 (Annexure P-9) 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)

Shamshad/-

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