

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19536 of 2024

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Suresh Singh Son of Late Ghutar Singh, Resident of Village- Nadiyawan,
Police Station- Ramgarh Chowk, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Food and Civil Supply, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate, Lakhisarai, District- Lakhisarai.
4. The Sub Divisional Officer-cum-Licensing Authority, Lakhisarai, District- Lakhisarai.
5. The Block Supply Officer, Ramgarh Chowk, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Vinay Pd. Singh, Adv.
For the Respondent/s	:	Mr. Rajeshwar Singh, Government Advocate 10
	:	Mr. Jitendra Kumar, AC to GP10

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

3 11-04-2025 Heard the learned counsel for the parties.

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

“(i) For issuance of a writ in the nature of certiorari setting aside the impugned order bearing Memo No. 49 dated 23.01.2021 issued under the signature of Respondent No. 4 whereby and where under P.D.S. Licence of the petitioner has been cancelled alone on the ground that since criminal case under section 7 of E.C. Act has been instituted against the petitioner regarding irregularities committed in distribution of Food stuffs to the connected consumers through E Poss Machine and subsequently during enquiry consumers have supported the allegation but neither



the said enquiry report was ever served to the petitioner nor defence submitted by the petitioner in reply has been considered and overlooking the aspects that petitioner has been granted anticipatory bail by this Hon'ble Court and as such impugned order is in violation of Principle of Natural Justice.

(ii) For further setting aside the impugned order bearing Memo No. 498 dated 26.04.2022 passed in Supply Appeal No. 13 of 2021 by Respondent No. 3 (District Magistrate, Lakhisarai) whereby the appeal preferred by petitioner has illegally been rejected.

(iii) For further setting aside the impugned order dated 10.05.2023 passed in Supply Revision Case No. 63 of 2022 by Respondent No. 2 whereby revision preferred by the petitioner has been disposed off with direction that petitioner will proceed in the matter after final order passed in Criminal case which is still pending.

(iv) For Further direction upon the Respondents concerned to reinstate the P.D.S. Licence of the petitioner and allow him to run his P.D.S. shop without any hindrance.

(v) Any other order/order for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 10.04.2020 vide Memo No. 173 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Lakhisarai P.S. Case No. 198 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 10.05.2023 (Annexure-P/8) is hereby quashed and consequently the appellate authority order dated 22.04.2022 (Annexure-P/7) & the primary authority dated 21.01.2021 are 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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