

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16342 of 2024

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Shambhu Prasad, Son of Late Sitaram Saw, Resident of Mohalla- Paschimi
Jay Prakash Nagar. P.S.-Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Patna Sadar, Patna.
4. The Supply Inspector, Ward No. 17, Supply Division Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.
For the Respondent/s : Mr.Standing Counsel (12)

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

7 28-01-2026 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

*“I. In the nature of certiorari for quashing
the order dated 02.12.2022 vide Memo No.
1083 passed by the learned Sub Divisional
Officer, Patna Sadar, Patna whereby and
where under the PDS license of the petitioner
has been cancelled with immediate effect
only on the basis of FIR i.e. Jakkanpur P.S
Case No. 389/2022 dated 27.07.2022 has
been registered against the petitioner by the
Supply Inspector, Supply, Patna as well as
quashing the order dated 10.01.2024
whereby and where under the learned
District Magistrate, Patna has dismissed the
E.C Appeal No. 4/2023-24 filed on behalf of
the appellant against the order passed by the*



*learned Sub Divisional Officer, Patna Sadar,
Patna and affirmed the order.*

*II. For any other relief/reliefs for which the
petitioner may be deemed entitled to.”*

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 02.12.2022 vide Memo No. 1083 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Jakkanpur P.S. Case No. 389 of 2022 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 02.12.2022 (Annexure-P/5) is hereby quashed and consequently



the appellate order dated 10.01.2024 (Annexure-P/6) 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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