

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18604 of 2023

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Satendra Kumar, S/o Maheshwar Kumar, R/o Vill. Pakri Asli, P.S. Sahebganj,
Dist. Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Director, Food and Civil Supply Department, Govt. of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Sub-Divisional Officer, Muzaffarpur.
5. The Block Supply Officer Sahebganj, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Anant Pd. Singh (SC15)
Mr. Deepika Sharma, AC to SC 15

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

4 18-02-2026 Heard learned counsel for the parties.

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

“(i) To quash the order dated 23.02.2018 issued by the Sub-Divisional Officer, West Muzaffarpur, whereby and whereunder Public Distribution System Shop of the petitioner has been cancelled on the ground a First Information Report No. 24/18 dated 27.01.2018 has been lodged under section 7 of Bihar Targeted Public Distribution System (Control) order 2016. A copy of order dated 23.02.2018 is annexed hereto and marked as Annexure-1 to this application.

(ii) To further direct to Respondent Authority to restore the licence of the PDS' shop of the petitioner.



*And/or any other appropriate relief(s)
to the petitioner for which he may be found
entitled under the fact and circumstance.”*

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 23.02.2018 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Sahebganj P.S. Case No. 24 of 2018 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 23.02.2018 (Annexure1) 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)

Bhardwaj/-

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