

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3591 of 2025

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Md. Asgar Ali Son of Samiullah, Resident of Village- Islampur Kachar, P.O.-
Gotiband, P.S- Dumariya, District- Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Selection Committee, Gaya.
3. The Licensing Authority cum-Sub Divisional Officer, Sherghati, Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Dumariya, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Jubair Ansari, Adv.

For the Respondent/s : Mr. Standing Counsel (24)

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

6 04-08-2025

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

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

2. Registry is directed to make necessary changes.
3. Heard learned counsel for the parties.
4. The present Writ Petition has been filled for the
following reliefs:-

*“That this is an application praying
for issuance of a writ of Certiorari for quashing
the Memo No. 263 dated 10/06/2024 (Annexure
P/6) issued by Respondent No. 3 (Licensing
Authority-cum-Sub-Divisional Officer,
Sherghati, Gaya) by which the PDS License*



*bearing License No. 03/2020 of the Petitioner
has been cancelled with immediate effect.”*

5. 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 an First Information Report (F.I.R.) bearing Bodhibigana P.S. Case No. 07 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.

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

7. 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.

8. In view of the above, the impugned order dated 10/06/2024 (Annexure-P/6) is hereby quashed and set aside.



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

10. 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.

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

(A. Abhishek Reddy , J)

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