

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2097 of 2025

=====

Leyaquat Ali Khan, son of Late Jamil Ahmad Khan, resident of Village-
Gangti. P.S. Kothi. District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Food and Consumer Protection. Government of Bihar. Patna
2. The District Magistrate, Gaya.
3. The District Supply Officer Gaya
4. The Sub-divisional Officer. Sherghati. Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Abhishek Anand, Adv. Ms. Madhuri Kumari, Adv.
For the Respondent/s	:	Mr. Additional Advocate General (13)

=====

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

2 18-03-2025 Heard learned counsel for the parties.

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

“a) A writ in the nature of Certiorari for setting aside the order dated 13.05.2024 and 16.05.2024 in PDS Case No 18/2024 passed by the Subdivisional Officer. Sherghati. Gaya.(herein after referred to as Respondent No4 herein) wherein he has cancelled the license of the petitioner bearing License No 73 of 2016.

b) That any other relief the Petitioner is entitled in the eyes of law.”

3. Learned counsel for the petitioner submits that the
solitary ground given in the order dated 13.05.2024 for



cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Kothi P.S. Case No. 29 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.

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 orders dated 13.05.2024 and 16.05.2024 passed by the Sub-Divisional Officer, Sherghati, Gaya are 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)

Bhardwaj/-

U			
---	--	--	--

