

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3493 of 2025

Kiran Kumari W/o Shiv Kumar, Resident of Village- Kishunpura, Village Panchayat-Aurawan, Police Station-Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Senior Deputy Collector, Gaya.
4. The District Supply Officer, Gaya.
5. The Sub-Divisional Officer, Sadar Gaya.
6. The Block Supply Officer, Bodh Gaya, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.
Mr. Avinabh Gaurav, Advocate.
For the Respondent/s : Mr. Standing Counsel 13

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

4 01-05-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following relief(s):-

“.....for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 27.11.2024 contained in Memo No. 690 by which Sub-Divisional Officer, Sadar, Gaya has capaciously been cancelled the License No. 04/2018 of the petitioner carrying on business under the Public Distribution System as a PDS Dealer and for direction upon the Respondent No. 5 to continue allocation to



the Public Distribution System Shop of the petitioner after declaring the cancellation order null and void.”

3. Learned counsel appearing on behalf of the petitioner has stated that the shop of the petitioner was closed on a single day on which the Block Supply Officer visited the shop. Thereafter, a show cause notice was issued to the petitioner as to why action should not be taken against her under the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016. It is stated that due to serious illness, the petitioner could not file her explanation and the order of cancellation dated 27.11.2024 was passed by the Sub-Divisional Officer, Sadar, Gaya. Further, it is stated that there are no other allegations against the petitioner except that the shop was closed on the day, the Block Supply Officer visited the shop. Learned counsel has relied on the judgment of the Division Bench of this Hon'ble Court in the case of Turant Lal Paswan Vs. The State of Bihar & Ors. (Annexure P/4) in support of his case.

4. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner without availing the alternate and efficacious remedy of filing an appeal against the order of cancellation dated 27.11.2024 before the District Magistrate has



straightaway filed the present writ petition. Learned counsel has further stated that the closure of the shop without any intimation to the authority is contrary to the terms and conditions of the licence and also the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016. Further, it is stated that though the show cause notice was issued to the petitioner, the petitioner did not choose to file explanation and therefore, the authority left with no other option had to cancel the licence. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. A Division Bench of this Hon'ble Court under similar circumstances in CWJC No. 10213 of 2010 dated 22.06.2012 has passed the following orders:-

“We find that admittedly the petitioner did close the shop on the particular day. Though, the action of keeping the shop closed on one particular day was in breach of the terms and conditions of the licence and may not be justified, was not such grave violation that would entail cancellation of licence.”

6. Having regard to the above judgment of the Division Bench of this Hon'ble Court and also duly taking note of the fact that the shop of the petitioner was closed on a particular day and there are no other allegations of any



misappropriation or any other violations of the Bihar Targeted Public Distribution System (Control) Order, 2016, this Court deems it fit and proper to set aside the impugned order dated 27.11.2024 passed by the Sub-Divisional Officer, Sadar Gaya (Respondent No. 5) and the same is accordingly set aside. The authorities are directed to restore the license of the petitioner and resume the supplies as expeditiously as possible preferably within a period of two weeks from the date of the receipt of the copy of this order.

7. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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