

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8825 of 2025

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Birendra Kumar Singh Son of Shivcharan Singh Resident of Village-
Parshurampur, P.S.-Parshurampur, District- Bhagalpur, Bihar-813209.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Food and Consumer Protection Department, Patna.
3. The Distirct Magistrate, Bhagalpur.
4. The Sub-Divisional Officer Cum Licending Authority, Kahalgaon, Bhagalpur.
5. The Block Supply Officer, Pirpainti, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Karna, Adv.
For the Respondent/s : Mr.Government Pleader (19)

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

2 10-09-2025 Heard learned counsel for the parties.

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

“(I) Issuance of writ in the nature of certiorari for quashing the order of suspension contained in Memo No. 820 dated 25.10.2019 issued by the Sub Divisional Officer, Kahalgaon by which the Sub Divisional Officer, Kahalgaon has suspended the Public Distribution System License of the Petitioner in violation of Clause 28 of the Bihar Targeted Public Distribution System Control Order 2016.

(II) Issuance of further writ in the nature of certiorari for quashing the order contained in



Letter No. 880 dated 03.12.2019 issued by the Sub Divisional Officer Kahalgon by which the Show cause Notice has been issued to the Petitioner stating that why not his Public Distribution System license to be cancelled on the ground of lodgment of FIR bearing Pirpainti PS Case No. 235/2019 against him without considering that this Hon'ble Court already settled the law that only on the basis of lodgment of FIR against the Public Distribution System dealer the Public Distribution A System license cannot be cancelled.

(III) Issuance of further writ in the nature of certiorari for quashing the cancellation order contained in Memo No. 909 dated 26.12.2019 issued by the Sub Divisional Officer Kahalgaon on the ground of lodgment of FIR bearing Pirpainti PS Case No. 235 /2019 against the Petitioner without considering that in the case of Umesh Ram Vs the State of Bihar and other (Reported in AIR 2014 Patna 113) & Babulal Ram vs the State of Bihar and others (C.W.J.C. No. 8168of 2023) this Hon'ble Court settled the law that mere institution of FIR would not constitute a valid ground for cancellation of Public Distribution System license and the cancellation order is cryptic and without any reasons which itself violation of Principle of natural justice.

(IV) Issuance of further writ in the nature of certiorari for quashing the appellate order dated 09.12.2021 passed in Supply Appeal No.



365/2019-20 by the Collector, Bhagalpur affirming the cancellation order without considering that the cancellation order has been itself passed in violation of the law settled by this Hon'ble Court.

(V) Issuance of writ in the nature of certiorari for quashing the Revisional order dated 10.10.2023 and 12.12.2024 passed in Supply Revision Case No. 05/2022-23 by the Revisional authority cum Divisional Commissioner, Bhagalpur which is illegal, nonest, in teeth of the provisions of Control Order, 2016 and the judgments of this Hon'ble Court.

(VI) Issuance of writ in nature of mandamus for a direction to the Licensing Authority to restore the Public Distribution System Lice No. 83/2016 forthwith and pay compensation for illegally depriving the source of livelihood by suspending the license only on the ground of FIR culminating into cancellation despite the fact that the Petitioner was pursuing his remedy and was granted bail even before the order of cancellation against any arrest was granted on 06.11.2019 in ABP No. 2420/2019 where as the order of cancellation under Memo No. 909 dated 26.12.2019 was passed subsequently.

(VII) Issuance of deceleration that the impugned orders are bad, illegal and nonest in the eyes of law as there are series of orders of this Hon'ble Court that the PDS license cannot



be suspended merely on the ground of FIR as the precondition under Clause-28 of the Control Order, 2016 are clear for application before the order of suspension.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 03.12.2019 vide Letter No. 880 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Pirpainti Case No. 235/2019 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



26.12.2019 (Annexure-P/4) is hereby quashed and consequently the appellate order dated 09.12.2021 (Annexure-P/5) and revisional order dated 12.12.2024 (P/7) are 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 above.

(A. Abhishek Reddy , J)

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