

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4806 of 2019

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Arun Paswan Son of Paltu Paswan Resident of Village and Post-Mehdoui,
P.S.-Bhagwanpur, District-Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Begusarai, District-Begusarai.
3. The Sub-Divisional Officer, Teghra, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-09-2025

1. The writ petition is filed to quash the order passed by the Sub-Divisional Officer, Teghra vide Memo No. 1497 dated 11.12.2008, whereby allotment of the petitioner's P.D.S. shop has been tagged with one Jagdish Singh P.D.S. dealer's shop in the same village, on the ground that an F.I.R. U/S 7 of the Essential Commodities Act was registered against the petitioner.

2. The brief facts as culled out of the writ petition are that the petitioner is a PDS shop dealer holding a valid license bearing No. 7/75 to operate



the business. The Block Supply Officer, Bhagwanpur, submitted a written statement to the S.H.O., Bhagwanpur Police Station, stating that the inquiring team examined the Red Cards and the consumers of the petitioner's shop. It appears that entries were not properly made in the Red Cards and consumers reported that the petitioner failed to supply wheat/rice and those were allegedly sold in the black market, leading to the registration of a case vide F.I.R. No. 67/99 dated 09.06.1999 u/s 7 of the Essential Commodities Act at Bhagwanpur P.S.

3. The Learned counsel for the petitioner contended that his earlier license was cancelled on the ground of non-renewal; however, it was restored pursuant to the order of the Collector, communicated vide Letter No. 669 dated 29.03.2008. It is further contended that in spite of repeated approaches to the licensing authority, his license was neither suspended nor cancelled. However, the allotment of the shop was irregularly and arbitrarily tagged with another PDS dealer, Jagdish Singh from the same village.



4. Annexure-3 series reveals that the District Magistrate directed the District Supply Officer to restore supplies to the petitioner's PDS shop, and the instruction was conveyed to the Sub-Divisional Officer. It is further contended that in spite of the direction of the District Magistrate, the allotment of PDS shop was not done and therefore, prays to direct the Sub-Divisional Officer to restore the allotment to his shop.

5. On the other hand, the Learned counsel for the respondent submitted that the petitioner may file an application before the Sub-Divisional Officer for restoration of supplies, to enable him to pass an appropriate order accordingly.

6. Considering the rival submissions of both parties and on perusal of the record, this Court is of the considerable view that the petitioner shall file an appropriate application before the Sub-Divisional Officer, Teghra, within four weeks from the date of receipt of this order. The Sub-Divisional Officer, Teghra, shall thereafter, pass a reasoned and speaking order within a period of three months from



the date of filing such application, keeping in mind the directions issued by the District Magistrate to restore the allotment of the PDS shop to the petitioner.

7. With the above observations, the writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2025
Transmission Date	

