

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6001 of 2025

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Bhagwat Ram @ Bhagavat Ram Son of Late Dila Prasad, Resident of Village-
Pinjaur, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supply, Government of Bihar.
2. The Commissioner, Magadh Commissioner, Gaya.
3. The District Magistrate, Jehanabad.
4. The Sub-Divisional Officer Cum Licensing Authority, Jehanabad.
5. The District Supply Officer, Jehanabad.
6. The Block Supply Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra, Adv.
For the Respondent/s : Mr. Government Pleader (16)

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

3 14-07-2025 Heard learned counsel for the parties.

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

“(i) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of order containing memo No. 81 of 2021 dated 02.02.2022, issue under the signature of Sub Divisional Magistrate, Jehanabad, whereby the PDS License of the petitioner bearing No- 3/2017 has been cancelled with immediate effect.

(ii) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing of order dated 17/02/2024 Supply



Appeal No. 9/DM/2022 Jehanabad whereby order canceling the P.D.S. License of the petitioner contained in memo No. 81/ dated 02/02/2022, passed by Sub Divisional officer Jehanabad has been affirmed and appeal preferred by the petitioner has been dismissed.

(iii) For issuance of a writ in the nature of certiorari or any other appropriate writ for quashing of order dated 01/02/2024 / 23/01/2025 issued under the signature of Commissioner of Gaya in Supply Revision Appeal No. 90/2024 whereby the order canceling the PDS License of the petitioner contained in Supply Appeal Case No. 9/DM/2022 passed by the District Magistrate Jehanabad has been affirm and Revision prefer by the petitioner has been dismissed.

(iv) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondents authorities to restore the PDS License of petitioner bearing No.- 03/2017.”

3. 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 Parasbigha P.S. Case No. 58 of 2020 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 04.02.2022 (Annexure-P/8), is hereby quashed and consequently the appellate order dated 17.02.2024 (Annexure-P/9) as well as the revisional order dated 23.01.2025 / 01.02.2025 (Annexure-P/10) 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.

(A. Abhishek Reddy , J)

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