

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5492 of 2025

Shivdhari Prasad @ Sheodhari Prasad Son of Bhagwat Prasad, Resident of
Gopal Kera, Village Panchayat-Paharpur, P.S.-Fatehpur, District-Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub-Divisional Officer, Sadar Gaya.
5. The District Supply Officer, Gaya.
6. The Block Supply Officer, Fatehpur, Dist.-Gaya.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Respondent/s : Mr. Standing Counsel (12)

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

2 30-04-2025 Heard learned counsel for the parties.

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

“...for the issuance of an appropriate writ/writs, order/orders and direction/directions to quash the order dated 04-10-2017 contained in Memo no. 629 by which the Ld. Sub Divisional Officer, Sadar Gaya has cancelled the License No. 52/07 of the petitioner only on the solitary ground of F.I.R lodged in Fatehpur P.S. Case No. 187/17 dated 12-06-2017 after its suspension contrary to clause 28 & 29 of the Bihar Targeted P.D.S. (Control) Order, 2016 and quash the consequential orders dated 16-01-2024 and



29-01-2025 passed in Supply Appeal No. 14/19 and Supply Revision Case No. 89/2024 whereby the Ld. District Collector, Gaya and the Ld. Divisional Commissioner, Magadh Division, Gaya while dismissing the appeal and revision respectively have suo moto affirmed the cancellation order of the Sub Divisional Officer, Sadar Gaya in an erroneous ground and direction upon the respondent No. 4 to continue allocation to the P.D.S. shop of the petitioner after declaring the cancellation order null and void, And /or pass such other order(s) which your Lordships may deem fit and proper under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 12.06.2017 vide Memo No.272 for cancellation of the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Fatehpur P. S. Case No. 187 of 2017 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 suspension 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 04.10.2017 vide Memo No. 629 passed by the Sub-Divisional Officer, Sadar, Gaya, the order, dated 16.01.2024 passed by the District Collector, Gaya, in Supply Appeal No. 14 of 2019 and the order dated 29.01.2025 passed by the Divisional Commissioner, Magadh Division, Gaya, in Supply Revision Case No. 89 of 2024 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, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner



has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

10. With the above directions, the Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

Raj Ranjan/-

U		T	
---	--	---	--

