

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11555 of 2025

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Shailendra Kumar Bharti Son of Late Ishwar Dayal Bharti Resident of
Village- 31, Pokhara, Baliapokhara, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Siwan (Bihar).
3. The Sub Divisional Officer, Maharajganj, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Sr. Adv.
	:	Mr. Harsh Vardhan, Adv.
	:	Mr. Harsh Raj, Adv.
For the Respondent/s	:	Mr. Government Pleader (18)

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

2 16-09-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

“i. To issue an appropriate writ/order/direction in the nature of Certiorari for quashing the order dated 30.06.2014 passed by the Sub Divisional Officer, Maharajganj, Siwan who on the basis of Maharajganj P.S. Case No. 177/2014 cancelled the PDS Dealership License M-100/2010 of the Petitioner (as contained in Annexure-P/2).

ii. To issue an appropriate writ/order/direction in the nature of Certiorari for quashing the order dated 01.07.2024 passed by the Collector, Siwan by which Supply Misc. Case No. 149/2018-19 (Shailendra Kumar Bharti Vs. The State of Bihar) has been rejected and the earlier order dated 21.03.2017 passed by the



Collector has been kept intact (as contained in Annexure-P/10).

iii. To issue an appropriate writ/order/direction in the nature of Mandamus commanding the Respondents to restore the PDS License No. 100/2010 of the Petitioner immediately.

iv. To any other relief or reliefs for which the Petitioner is entitled.”

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 Maharajganj P.S. Case No. 177 of 2014 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 30.06.2014 passed by the Sub-Divisional Officer, Maharajganj (Annexure-P/2) is hereby quashed and consequently the appellate order dated 01.07.2024 (Annexure-P/10) is 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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