

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7817 of 2025

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Ramswarup Ram @ Ram Swaroop Rajbanshi, Son of Late Kishun Ram
Resident of Village- Hasanpura, Police Station- Narhat, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply and Consumer Affairs, Government of Bihar, Patna.
2. The District Magistrate, Nawadah.
3. The Additional Collector, Nawadah.
4. The Sub Divisional Officer-cum- Licensing Authority, Rajauli Sub Division, District- Nawadah.
5. The Block Supply Officer, Narhat, District- Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Respondent/s : Mr.Additional Advocate General (13)
Mr. Sarvesh Kumar Singh, AAG 13

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

6 14-10-2025 Heard learned counsel for the parties.

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

“(i) For issuance of appropriate order/direction/writ in the nature of mandamus commanding and directing upon the Respondents concerned specially Respondent No. 2 and 3 to decide the pending Supply Appeal Case No. 25(M) of 2022 filed by petitioner against the order of cancellation of P.D.S. Licence of petitioner dated 15.05.2019 issued by Respondent No. 4 which is still pending as a result his P.D.S. Licence is not re instated as yet without any re a son.

(ii) For issuance of appropriate direction



upon the Respondents concerned to decide pending appeal of the petitioner within a time frame.

(iii) Any other order/orders for granting any other relief/reliefs for which petitioner is found entitled to in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 15.05.2019 vide Memo No. 905 cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Narhat P.S. Case No. 07 of 1997 had been instituted 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 15.05.2019 (Annexure-P/1) is 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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