

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7737 of 2025

Menka Kumari D/o Laxman Paswan, Resident of Village Sherpur, P.S. Shastri
Nagar, District-Patna ... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Bihar, Patna
2. The Collector-cum-District Magistrate, Patna.
3. The Sub-Divisional Officer-cum-Licensing authority, Patna Sadar, Patna.
4. The Supply Inspector, Rationing Patna. ... Respondents

Appearance :

For the Petitioner : Mr. Roop Kishan, Adv.
For the Respondents : Mr. Rajnish Shandilya, AC to GA XI

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

2 05-08-2025 Heard the parties.

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

*“(i) For issuance of a writ in the nature of certiorari
for quashing the order contained in Memo No,
782/Aa dated 28.11.2024 passed by the S.D.O cum-
Licensing authority Patna Sadar, Patna by which the
PDS license of the petitioner being License No.
37/2023, FPS Code No. 123000200898, has been
suspended contravention of Rule 28 of Bihar Targeted
PDS Control order 2016 because the order dated in
28.11.2024 has been passed without recording any
finding that the petitioner was either absconding or
has gone fugitive after institution of FIR being Shastri
Nagar P.S. Case No. 840/2024 dated 24.10.2024
under section 7 of the E.C. Act.*



(ii) For issuance of a writ in the nature of mandamus commanding the Respondents to restore the PDS license No. 37/2023 and also may be directed to make allotment of the petitioner's shop.

(iii) For any other relief/reliefs for which the petitioner is found entitled in the eye of law.”

3. Learned counsel for the petitioner submits that the solitary ground given in the Memo No. 782/Aa, dated 28.11.2024 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Shastri Nagar P.S. Case No. 840/2024 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 28.11.2024 (Annexure- P/3) is hereby quashed.

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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