

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8492 of 2024

=====

Baijnath Rajak, Son of Kaji Rajak @ Kagi Rajak, Resident of Village -
Tilauti, P.S. - Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Aurangabad.
4. The Additional Collector-cum-Additional District Magistrate, Aurangabad.
5. The Sub Divisional Officer, Daudnagar, Aurangabad.
6. The Block Supply Officer, Haspura, Daudnagar, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate.

For the Respondent/s : Mr. Standing Counsel (11).

=====

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

5 09-09-2025 Heard learned counsel for the parties.

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

*“...for setting aside/quashing the
order 06.11.2020 issued vide memo no. 207
dated 06.11.2020 including the order dated
18.01.2021 by which the Sub-Divisional
Officer, Daudnagar has cancelled the license of
the petitioner having license No. 01/H/1997 and
to quash the consequential order dated
03.12.2022 as well as order dated 15.02.2024
passed in PDS Appeal Case No. 24 of 2022 by
the Additional Collector-cum-Additional District
Magistrate, Aurangabad and Supply Revision
Case No. 3 of 2023 passed by the Commissioner,*



Magadh Division, Gaya dismissing the Appeal and Revision Respectively by which have affirmed the order of the Sub-Divisional Officer, Daudnagar, Aurangabad and for issuance of other appropriate writ/writs, direction/directions, order/orders in the facts and circumstances of this Case.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 06.11.2020 vide Memo No.207 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Hasapura P.S. Case No. 218 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 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



15.02.2024 passed by the Commissioner, Magadh Division, Gaya, order dated 03.12.2022 passed by the Additional Collector -cum- Additional District Magistrate, Aurangabad and the order dated 18.01.2021 as well as order dated 06.11.2020 passed by the Sub-Divisional Officer, Daudnagar, Aurangabad 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)

shakir/-

U			
---	--	--	--

