

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7881 of 2025

PACS (Primary Agriculture Credit Society) Akauna, through its President Jeetendra Kumar, aged about 44 years (Male), S/o Shivnarayan Prasad, Resident Village- Jangharo, Nirpur, Panchayat- Akauna, P.S.- Ben, District- Nalanda.

... .. 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, Nalanda.
3. The Sub-Divisional Officer, Rajgir-cum-Licensing Authority.
4. The Block Supply Officer, Ben, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Respondent/s	:	Mr. AAG-04

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

2 24-06-2025 Heard learned counsel for the parties.

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

“i) For quashing the order contained in Memo No. 215 dated 28.02.2023 passed by the S.D.O. Rajgir whereby and whereunder the license granted to the PACS Akauna has been cancelled by Licensing authority in contravention of Memo issued by Government vide No. 2565 dated 26.3.2015 clarifying the legal position and reiterating the license issued to the PACS cannot be cancelled and as such the order impugned is bad and illegal in the eye of law and fit to be set aside.

(ii) To issue writ in the nature of certiorari for quashing the order dated 22.07.2024 passed by Learned District



Magistrate, Nalanda whereby and whereunder the Supply Appeal No. 13/2023 preferred by the petitioner against the order of the Learned S.D.O dated 28.02.2023 was dismissed. (iii) To issue writ in the nature of mandamus for commanding the respondents to immediately restore the license and allotment of the petitioner's society.”

3. Learned counsel appearing on behalf of the petitioner has stated that the Sub-Divisional Officer without verifying that the license has been granted to the PACS has cancelled the same. Though, a clarification has been issued by the department clarifying the legal position that the license issued in favour of PACS cannot be cancelled and that in case the new Chairman is elected, the PACS shall be represented by the new Chairman. Further it is stated that the Government has also issued Memo No. 2565 dated 26.03.2015 clarifying above the legal position and reiterating that the license issued to the PACS cannot be cancelled. Learned counsel has further stated that except using the word “unsatisfactory” to the explanation submitted by the petitioner the Sub-Divisional Officer has not given other reason for cancelling the license of the petitioner.

4. The learned counsel appearing on behalf of the respondents has not disputed the above legal position and also the Memo No. 2565 dated 26.03.2015 issued by the State Government. However, learned counsel has stated that in case a



direction is given to the authorities to restore the license to the PACS, the shop cannot be run by the person who was at the helm of the affairs when the irregularities were committed.

5. The fact that the Government has issued the Memo No. 2565 dated 26.03.2015 (Annexure P/5) has not been denied by the authorities. Further, it is also not denied that the license is granted in favour of the PACS and not in favour of any individual. As per the Government Memo No. 2565 dated 26.03.2015, the license which is issued in favour of PACS cannot be cancelled.

6. Having regard to the above, the impugned order dated 22.07.2024 passed by the appellate authority and the order dated 28.02.2023 passed by the Sub-Divisional Officer, Rajgir are set aside. The Respondent No. 3 is directed to restore the license in favour of the PACS and further directed to resume the supplies to the PACS as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. However is made clear that in case the license is restored to the PACS the person who was running the shop at the time of inspection any irregularities were found cannot run the shop. The PACS is directed to nominate any other person to run the shop.



7. With the above directions, this Writ Petition is allowed
to the extent indicated above.

(A. Abhishek Reddy , J)

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