

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7644 of 2025

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Ram Pravesh Sah @ Shri Ram Pravesh Sah Son of Ram Sagar Sah Resident
of Village- Ladhpur, P.O - Gurukul Mehiya, Gram Panchyat Mahamada,
Block - Garkha, P.S - Garkha, District – Saran ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Sub Divisional Officer, Chapra Sadar (Supply Branch), District- Saran at Chapra.
3. The District Supply Officer, District- Saran at Chapra.
4. The Block Supply Officer, Block- Garkha, District- Saran at Chapra.

... Respondents

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Appearance :

For the Petitioner : Mr.Nityanand Mishra, Adv.
For the Respondents : Mr.Government Pleader (5)

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

3 07-07-2025 Heard the parties.

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

“i. For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the order dated 20.02.2025 (Annexure-P/4) vide Memo No. 183 passed by Learned Sub-Divisional-Officer-cum-Licensing Authority, Chapra Sadar by which the PDS license of the petitioner bearing License No. 04/2023 has been cancelled totally on non-est and erroneous ground in completely mechanical manner-without considering the show-cause reply of the Petitioner.

ii. For further directing the respondents concerned,



especially respondent no.2 to restore the PDS license of the petitioner bearing License No. 04/2023 to its original place since the date of cancellation of the said license i.e., 20.02.2025.

iii. For further directing the respondents concerned not to disturb/making any hindrance in running the PDS Shop which has been run by the petitioner since the year 1990 because the said PDS Shop is only source of income for the livelihood of the petitioner along with his family.

iv. For Further issuance appropriate writ/order/direction in which the petitioner found to be entitled in the facts and circumstances of the case.”

3. It is the case of the petitioner that the authorities have inspected the premises of the petitioner on 28.09.2024 at around 01.30 p.m. and found that the shop of the petitioner was closed. Learned counsel has stated that the show cause notice issued to the petitioner on the ground that the shop of the petitioner was closed on a particular date is contrary to the judgment of this Hon'ble Court passed in C.W.J.C. No. 10213 of 2010. Learned counsel has stated that the license ought not to have been cancelled on the sole ground that the shop of the



petitioner was closed on the particular date. Further, it is stated that the show cause issued to the petitioner is contrary to the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as, 'the Control Order'). More particularly Clause 27(ii) of the Control Order specifies the proposed cancellation of the license. Learned counsel has therefore prayed this Hon'ble Court to set aside the impugned order of cancellation and restore the license of the petitioner.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present Writ Petition. Learned counsel has stated that the petitioner without availing the statutory remedy of appeal against the order of cancellation has straightaway approached this Hon'ble Court and filed the present Writ Petition.

5. A Division Bench of this Hon'ble Court under similar circumstances in CWJC No. 10213 of 2010 dated 22.06.2012 has passed the following orders:-

“We find that admittedly the petitioner did close the shop on the particular day. Though, the action of keeping the shop closed on one particular day was in breach of the terms and conditions of the licence and



may not be justified, was not such grave violation that would entail cancellation of licence.”

6. Having regard to the above judgment of the Division Bench of this Hon’ble Court and also duly taking note of the fact that the shop of the petitioner was closed on a particular day and there are no other serious allegations against the petitioner. This Court deems it fit and proper to set aside the impugned order dated 25.02.2025 passed by the Sub-Divisional Officer, Chapra Sadar (Supply Branch), district Saran at Chapra (Respondent No. 2) and the same is accordingly set aside. The authorities are directed to restore the license of the petitioner and resume the supplies as expeditiously as possible preferably within a period of two weeks from the date of the receipt of the copy of this order.

7. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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