

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8773 of 2025

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Sunil Singh Son of Late Dharam Nath Singh, Resident of Village- Tali
Bujurg, P.S.- Guthani, District- Siwan, Bihar ... Petitioner

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Collector-cum Magistrate, District- Siwan.
4. The Sub-Divisional Officer, Sadar, Siwan.
5. The Block Supply Officer, Guthani Block, District- Siwan ... Respondents

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Appearance :

For the Petitioner	:	Mr. D.K. Sinha, Sr. Adv. with Mr. Ajay Kumar Pandey, Adv.
For the Respondents	:	Mr. Yatindra Narayan, AC to GP XVI

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

4 09-10-2025 Heard the parties.

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

I. To set aside the order dated 3.3.2025 passed in supply Appeal Case No. 379 of 2017-18 passed by the District Collector-Cum-District Magistrate, Siwan (Sunil Singh Versus The State of Bihar and others) whereby and where under the Learned District Magistrate, Siwan, Respondent no. 3 has dismissed the aforesaid supply Appeal and affirmed the order of Sub-Divisional Magistrate, Sadar, Siwan, Vide Memo No. 788 by which the P.D.S. Licence no. 275/2016 of petitioner was cancelled by the order dated 10.10.2017.

II. And further be pleased to direct the Learned Collector-Cum-District Magistrate, Siwan as well as



the Sub-Divisional Magistrate, Sadar, Siwan for restoration of P.D.S. Licence No. 275 of 2016 of petitioner which has been cancelled by the order 10 of Learned S.D.M. Sadar, Siwan dated 10.10.2017 Memo No. 788 and has been confirmed by the Learned Collector-Cum-District Magistrate, Siwan confirming the cancellation order dismissing the supply Appeal No. 379 of 2017-18.

III. And any other relief /reliefs may be given to the petitioner as per the law of the land.

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 28.08.2017 vide Memo No. 644 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Guthani P.S. Case No. 131 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 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 10.10.2017 (Annexure-3) is hereby quashed and consequently the appellate order dated 03.03.2025 (Annexure-5) is also 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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