

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8468 of 2025

=====

Priyanka Kumari @ Priyanka Kumari Ram W/o of Late Md. Firoz Alam
Resident of Village-Ward no. 4, Basatpur (Basantpur), P.S.- Amaur, District-
Purnea ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Govt. of Bihar, Patna.
2. The District Magistrate, Purnea.
3. The District Supply Officer, Purnea.
4. The Sub Divisional Officer, Baisi, Purnea.
5. The Block Supply Officer, Amaur, Purnea. ... Respondents

=====

Appearance :

For the Petitioner : Mr.Rajesh Kumar, Adv.
For the Respondents : Mr.Standing Counsel 8

=====

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

2 07-07-2025 Heard the parties.

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

*“a. To quash/set aside the order dated 20.03.2025
passed by respondent no. 4 vide memo No.
129/supply, Baisi, Dated 20.03.2025 whereby and
where under please to cancel the license no. 17/2018
without taking into consideration of second shkow
cause submitted by petitioner although considered a
vague and manufactured show cause submitted some
others similar name PDS dealer who has licenses no.
14/2018 from Machatta Panchayat and as such
violating the principles of natural justice as well as*



Rule 27(2) of the BT P.D.S(Control) Order, 2016.

b. To restore the license no. 17/2018 of the petitioner with immediate effect.”

c. Any other relief(s) for which petitioner entitled under the law may be given to him.”

3. It is the case of the petitioner that the authorities have inspected the premises of the petitioner on 17.01.2025 and it was 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 20.03.2025 passed by the Sub-Divisional Officer, Baisi, Purnea (Respondent No. 4) 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)

Shamshad/-

U			
---	--	--	--

