

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13678 of 2018

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Nawal Kishore Tiwary Son of Late Ayodhya Tiwary Resident of Village-
Gurmia, P.S. Kartaha, District Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Food Supply and Consumer Protection Department, Government of Bihar, Patna
2. The District Magistrate, Vaishali.
3. The Sub-Divisional Officer, Hajipur, Vaishali.
4. The District Supply Officer, Vaishali.
5. The Assistant District-Supply Officer, Vaishali.
6. The Circle Officer, Lalganj, Vaishali.
7. The Block Supply Officer, Lalganj, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s R.K.Jain Pradeep Kumar Sinha Punam Shrivastava, Advocates
For the Respondent/s	:	Mr.Arvind Ujjwal- SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-03-2025

1. The petitioner has filed the Writ petition
for the following reliefs:

“(i) That this is an application for issuance of appropriate writ / order direction to the respondents for restoration of the P.D.S. licence No. 42/2007 of the petitioner which has been illegally cancelled by the Sub Divisional Officer, Hajipur vide Memo No. 449 dated 12.05.2018 which is not



in accordance with law, arbitrary and liable to be set aside as well as quashing of License Cancellation order issued by the S.D.O. Hajipur vide Memo No. 449 dated 12.05.2018.”

2. The brief facts derived from the petition are that the petitioner's license as a PDS dealer was cancelled solely based on the First Information Report lodged by the Block Supply Officer, Lalganj, Vaishali, against the petitioner, bearing Kartaha P.S. Case No. 77 of 2017, dated 29.10.2017, following certain complaints regarding black marketing of subsidized grains. A written application, which is also part of the First Information Report, was submitted in this regard by a co-villager of the petitioner, namely, Ajit Kumar Thakur.

3. It is further submitted by the petitioner that said co-villager Ajit Kumar Thakur bore grudge against the petitioner due to an on going land dispute between them. It is also submitted that the petitioner had preferred an



application on 18.09.2017 before the Circle Officer, Lalganj, regarding the encroachment of his land by Ajit Kumar Thakur and had prayed for the removal of the illegal encroachment, from the said land. The petitioner further submitted in the writ petition that, due to this inimical relationship with Ajit Kumar Thakur, the said FIR was lodged by the police, based on the written report of Ajit Kumar Thakur, and a false case under the Essential Commodities Act was initiated against the petitioner in collusion with the Block Supply Officer, Lalganj.

4. It is further submitted by the petitioner that the pickup van carrying grains was seized by the police about 1.5 kilometers away from the premises of the petitioner, whereas within a radius of 1 kilometer, there are four other P.D.S. dealers in the Gurmia Panchayat. There is no evidence on record to suggest that the seized grains belonged to the petitioner, except for the written report of Ajit Kumar Thakur. Furthermore, during the stock verification of the petitioner's



P.D.S. shop, no shortage of grains was found by the authorities/police, to establish that the seized grains belonged to the petitioner's shop..

5. It is also submitted by the petitioner that, vide Memo No. 728 dated 07.11.2017, the P.D.S. dealership License No. 42/2007 of the petitioner was suspended by the Sub-Divisional Officer, Hajipur, and the petitioner was directed to file a show cause by 15.11.2017, regarding the facts and allegations leveled against him in the aforesaid First Information Report, failing which the P.D.S. license would be cancelled. In response, the petitioner submitted his show cause on 16.11.2017 before the Sub Divisional Officer, Hajipur, and requested the revocation of the suspension of his P.D.S. dealership license, explaining the facts leading to his false implication in the criminal case.

6. It is submitted by the Learned counsel for the petitioner that, despite the submission of the show cause by the petitioner's, PDS license was cancelled with immediate effect, vide Memo No. 449 dated 12.05.2018, based on



the legal opinion given by the Government Advocate, Hajipur, which was sought by the Sub Divisional Officer, Hajipur.

7. The Learned counsel for the petitioner submitted that the Sub-Divisional Officer, Hajipur, failed to consider the show cause/ reply submitted by the petitioner in a legal manner misinterpreted the legal opinion of the Government Advocate provided vide Letter No. 24 dated 08.05.2018. It is further submitted that no second show cause notice was issued to the petitioner before passing the cancellation order, and without affording the petitioner a proper opportunity, the cancellation order was issued arbitrary, illegal in violation of the principles of natural justice.

8. At this juncture, the Learned counsel for the petitioner contends that this matter is squarely covered under the judgment dated 10.07.2018 passed by a Division Bench of this Court in **L.P.A. No. 499 of 2018 (Ram Bachan Ram Versus The State of Bihar & Ors.)** annexed as Annexure 10 and also judgment dated



30.03.2018 passed by a Co-ordinate Bench of this Court in **CWJC No. 4326 of 2018 (Ram Bilas Singh Versus The State of Bihar & Ors.)**, annexed as Annexure - 8 to the Writ petition. Therefore, it is prayed that this Writ petition may be disposed of on the same terms and conditions.

9. Heard the Learned counsel for the petitioner as well as the respondents and perused the records.

10. In view of the fact that this matter is squarely covered by the aforesaid judgment, the Writ petition is allowed in light of the judgment passed in **L.P.A. No. 499 of 2018 (supra)** and, accordingly, the impugned orders dated 12.05.2018 (Annexure-7) is, hereby, quashed. The respondent No. 3 is directed to restore the licence and supplies to the petitioner shall be resumed without delay.

11. The Writ petition stands allowed. However, liberty shall be available to the respondents to take appropriate action afresh in accordance with law, if so advised.



12. Interlocutory Application(s), if any,
shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2025
Transmission Date	

