

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10196 of 2025

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Ram Chandra Baitha S/o- Jagdev Baitha R/o Vill.- Suragahiya, Block and
P.S.- Bathnaha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate, Sitamarhi, District- Sitamarhi.
3. The Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District- Sitamarhi.
4. The Block Supply Officer, Block Bathnaha, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate.
For the Respondent/s : Mr. Standing Counsel (23) with
Mr. Madhusudan Rai, AC to SC-23.

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

4 21-08-2025 Heard learned counsel for the parties.

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

*“(i) to issue a writ in the nature of
Certiorai for setting aside the order contained in
Memo No. 167 dated 10.03.2023 passed by SDO
Sitamarhi Sadar whereby and whereunder claim
of the petitioner to restore the license of its PDS
shop has been rejected.*

*(ii) To issue a writ in the nature of
Certiorari for setting the order dated 21.01.2025
passed in Supply Appeal Case No. 06/2025 by
Ld. District Magistrate, Sitamarhi whereby and
whereunder appeal preferred against the order
dated 10.03.2023 passed by Ld. SDO, Sitamarhi
Sadar was rejected without assigning any*



reason.

(iii) To issue a writ in the nature of Mandamus directing and commanding the respondent authorities to restore the License of the petitioner PDS shop bearing License No. 1/15.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 03.03.2023 vide Memo No. 155 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Bathnaha P. S. No. 217 of 2018 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 suspension 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 21.01.2025 passed by the District Magistrate Sitamarhi, District



Sitamarhi and the order dated 10.03.2023 passed by the Sub-Divisional Officer-cum-Licensing Authority Sitamarhi Sadar, District Sitamarhi are both 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, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

10. With the above directions, the Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy, J)

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