

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11081 of 2025

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Shambhu Kumar Son of Ram Jee Ray, Resident of village- Rahsa Doyam,
P.S.- Bhagwanpur, District- Vaishali (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, District- Vaishali.
3. The District Supply Officer, District- Vaishali.
4. The Sub-Divisional Officer, Mahua, District- Vaishali.
5. The Assistant District Supply Officer, Mahua, District- Vaishali.
6. The Block Supply Officer, Garaul, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Gaurav, Adv.
For the Respondent/s : Mr. Government Pleader (22)

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

6 24-09-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

“A. A certiorari for quashing and setting aside order passed by the Sub Divisional Officer, Mahua vide Memo No. 98 dated 24.2.2025 contained therein Annexure-P/1 whereby and where under license of the petitioner P.D.S. shop bearing License No. 51/2016 has been suspended with the immediate effect on the basis of a F.I.R has instituted against the petitioner in Bhagwanpur P.S. Case no. 38/2025 dated 10.02.2025 contained therein Annexure- P/6(Series).



B. A mandamus commanding the Respondents the S.D.O Mahua to revoke the suspension contained therein Annexure-P/1 & reinstate & restore the petitioner P.D.S shop license bearing license No. 51/2016 contained therein Annexure- P/2 (Series) and consumers of the petitioner shop like before and to make the allotment for the same as same as before.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Bhagwanpur P.S. Case No. 38 of 2025 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 24.02.2025 passed by the Sub Divisional Officer is hereby quashed and 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)

Gauravkr/-

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