

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11333 of 2025

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Rajendra Ram Son of late Karu Ram, Resident of Village- Marui, Tola-Bhandari, P.S./Block- Roh, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Dept., Govt. of Bihar, Old Secretariat, Patna- 800015.
2. The District Magistrate, Nawada.
3. The Sub Divisional Officer, Rajauli, District- Nawada.
4. The Block Supply Officer, Roh, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh
For the Respondent/s : Mr.Standing Counsel (06)

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

3 11-09-2025 Heard learned counsel for the parties.

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

“ . For quashing of Suspension Memo no. 155 dated 22-01-2024. consequential Notice under Memo no.156 dated 22-01-2024 and Order cancelling PDS License under Memo no.421 dated 16-2-2024, all passed/issued by the Sub Divisional Officer, Rajauli (for short: SDO), contained in ANN-P/2, P/3 & P/4 respectively whereby PDS License suspended, same day given notice seeking explanation within 3 days & after 3 weeks, cancelled petitioner's PDS License no. 202/2017 respectively, all exercising power in terms of Cl.28 of Bihar Targeted Public Distribution



System (Control) Order, 2016 (For Short: Control Order, 2016) (merely on ground of registration of an FIR & that too, wrongly & by violating Cl.28 r/w Cl.29 of Control Order as neither petitioner sent to jail nor he goes fugitive nor he has been convicted which are the pre-condition for suspension & cancellation of PDS License on registration of FIR].

ii. For a consequential direction to restore the petitioner's PDS License No. 202/2017 and also, to restore the respective allotment to said PDS shop”.

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 22.01.2024 vide Memo No. 126 for cancelling the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Roh P.S. Case No. 16 of 2024 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 16.02.2024 (Annexure-P/4) is hereby quashed.

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 above.

(A. Abhishek Reddy , J)

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