

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2212 of 2026

Subash Singh @ Subhash Singh, Son of Late Ganga Singh @ Ganesh Singh
Resident of Village- Tali Bishunpura, P.S.- Nautan, District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Court of Divisional Commissioner, Saran Division, Chapra.
3. The Collector-cum- District Magistrate, Siwan.
4. The Sub Divisional Officer, Siwan Sadar.
5. The Block Supply Officer, Nautan Block, Siwan.
6. The Officer- In- Charge, Nautan Police Station, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajdeep, Advocate.

For the Respondent/s : Mr. Government Pleader (11)

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

3 16-06-2026 Heard the learned counsel for the parties.

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

“That the present application is being filed on behalf of the petitioner for setting aside order dated 08.10.2025/17.10.2025 passed by the Learned Divisional Commissioner, Saran Division, Chapra and the order dated 06.08.2024 passed by the Learned Collector-cum-District Magistrate, Siwan and the order dated 17.08.2021 passed by the Learned S.D.O.-cum-Licensing Authority, Siwan whereby and whereunder exercising powers under Clause 28 of the Bihar Target



(Control) Order, the Public Distribution License of the Petitioner bearing License No. 27/2016 has been suspended vide order dated 23.09.2020 on the ground of institution of F.I.R. being Nautan P.S. Case no. 147/2020 under Section 7 of the E.C. Act and subsequently exercising power under Clause 28 of the Bihar Target (Control) Order vide order dated 17.08.2021 cancelled the PDS license of the petitioner which is totally on non-est and erroneous grounds completely in a mechanical manner without even supply of the enquiry report to the petitioner which is the complete violation of Principle of Natural Justice..”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 08.10.2020 vide Memo No.1173 for cancellation of the PDS licence of the petitioner was that a First Information Report (F.I.R.) bearing Nautan P.S. Case No. 147 of 2020 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 08.10.2025/17.10.2025 passed by the Divisional Commissioner, Saran Division, Chapra, the order dated 06.08.2024 passed by the Collector-cum-District Magistrate, Siwan and the order dated 17.08.2021 passed by the Sub-Divisional Officer-cum-Licensing Authority, Siwan are all 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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