

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2574 of 2026

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Krishna Ballabh Singh, Son of- Late Vindeswar Singh @ Vindeshwar Singh,
Resident of Village-Main Gali near Temple, Kobil, P.S.- Islampur, District-
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Director, Food and Consumer Protection Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Patna Division, Patna.
5. The Collector-cum-Chairman, District Level Selection Committee (Supply), Nalanda.
6. The Additional Collector-cum- Additional District Magistrate, Nalanda, District- Nalanda.
7. The District Supply Officer, Nalanda, District- Nalanda.
8. The Additional District Supply Officer, Hilsa, District-Nalanda.
9. The Sub-Divisional Officer-cum-Licensing Authority, Hilsa, District- Nalanda.
10. The Block Supply Officer, Islampur, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nityanand Mishra, Adv. Mr. Alok Abhinav, Adv. Mrs. Diksha Kumari, Adv.
For the Respondent/s	:	Mr.Additional Advocate General (4)

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

2 01-04-2026

Heard learned counsel for the parties.

2. The present writ petition has been filed for the

following relief(s):-

*“(i. For issuance of appropriate writ/writs,
order/orders, direction/directions in the nature
of certiorari for quashing and setting aside the
order dated 30.10.2025 (Annexure-P/10) passed
by the learned Divisional Commissioner, Patna*



(Respondent No.4) in BTPDS Control Revision No.223 of 2023 by which the Respondent No.4 has re-affirmed the order dated 15.05.2023 passed by the learned Additional Collector-Cum-Additional District Magistrate, Nalanda (Respondent No. 6) without applying his judicial mind and without assigning any proper reason.

ii. For further quashing of the order dated 15.05.2023 (Annexure-P/7) passed by the learned Additional Collector-Cum-Additional District Magistrate, Nalanda (Respondent No.6) in Supply Appeal No.06/2022 by which the Respondent No.6 has affirmed the order issued vide Memo No.286 dated 18.06.2021 passed by the learned S.D.O.-cum-Licensing Authority, Hilsa, District-Nalanda (Respondent No. 9) without going into the merit of the case as well as facts also.

iii. For further quashing of the office order issued through Memo No.286 dated 18.06.2021 (Annexure-P/5) passed by the learned S.D.O.-cum-Licensing Authority, Hilsa, District-Nalanda (Respondent No. 9) by which the PDS license of the petitioner bearing License No.1-37/2007 has been cancelled totally on non-est and erroneous ground in completely mechanical manner-without considering the show-cause reply of the petitioner and without serving of an Enquiry-Report.

iv. For issuance of a writ in the nature of Mandamus for directing/commanding the respondents concerned especially the S.D.O.-cum-Licensing Authority, Hilsa, District-Nalanda (respondent no.9) to restore the PDS license of the petitioner bearing License No. 1-37/2007 to its original place since the date of cancellation of the said license i.e. on 18.06.2021.

V. For Further issuance appropriate



writ/order/direction in which the petitioner found to be entitled in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner has stated that the Sub-Divisional Officer while issuing the show cause notice to the petitioner has not enclosed the enquiry report.

4. Further learned counsel has relied on the judgment of this Hon'ble Court in CWJC No.253 of 2014 dated 11.03.2015 wherein this Hon'ble Court has held that the non-supply of the enquiry report along with the show-cause is bad and against the principle of natural justice and equity.

5. Learned counsel has stated that in view of the above mentioned provisions of law and judgment relied by the petitioner, the impugned order may be set aside and matter remanded back to the authorities concerned for furnishing a copy of the enquiry report and any other material that they seek to rely on and give an opportunity of filing his explanation and thereafter take necessary action.

6. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ



petition.

7. This Court in CWJC No.253 of 2014 dated 11.03.2015 held as under:

"In my opinion, irregularities in maintenance of notice board or maintenance of the stocks within the premises of the petitioner are too trivial and cannot form a basis for cancellation of licence. No doubt there were other serious charges against the petitioner regarding non-issuance of cash-memo to the consumers, distribution of lesser amount of kerosene oil and non-distribution of food-grains but surprisingly even while making such allegations, the names of such consumers who are dissatisfied by such action of the petitioner are conspicuously missing. The allegations are sweeping in nature without reference to any specific consumer.

In my opinion the non-supply of the enquiry report conducted by the District Level Committee which is the foundation for issuance of show cause notice placed at Annexure-1 as well as non-supply of names of such of the consumers who had complained against the petitioner as regarding the irregularities in distribution of the food-grains or the kerosene oil has prejudiced the petitioner to file his purposeful reply and in absence thereof, the order impugned in my opinion, are based on no materials.

Though it was strenuously argued by Mr. Pandey that in absence of any response by the petitioner the allegations would be deemed to have been admitted but in my opinion even if the show cause reply was missing, the orders passed by the statutory authorities having civil



consequences and resulting in cancellation should reflect application of mind. Unfortunately it is grossly missing inasmuch as neither the order of the Licensing Authority nor the order of the appellate authority deal with the materials which formed the basis to drive home the charges. The orders impugned are indefensible and cannot be upheld."

8. A perusal of the show-cause notice issued to the petitioner does not reveal that the copy of the enquiry report was enclosed along with the show-cause notice.

9. Having regard to the above facts and circumstances and the law laid down by this Hon'ble Court, the present CWJC is allowed. The impugned orders dated 30.10.2025, 15.05.2023 and 18.06.2021 passed by the Divisional Commissioner, the appellate authority and the Sub-Divisional Officer, respectively, are set aside. The matter is remanded back to the Sub-divisional Officer (Respondent No. 9) for furnishing a copy of the enquiry report and any other material relied on the petitioner and call for his explanation by giving reasonable time. If any statements made by the beneficiaries are relied upon by the authority, the same shall be furnished to the petitioner, and he shall be given an opportunity to cross-examine the said beneficiaries to test the veracity of their statements.

10. On such show-cause notice being served, the



petitioner shall file his explanation within the stipulated time.
On receipt of the explanation submitted by the petitioner the authority concerned shall pass a reasoned order strictly in accordance with law duly taking into consideration the explanation submitted by the petitioner.

11. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. Any order passed shall be communicated to the petitioner.

12. With the above directions, this Writ Petition is allowed to the extent indicated above.

(A. Abhishek Reddy , J)

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