

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3745 of 2026

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Dev Narayan Singh @ Deo Narayan Singh, S/o Late Mithileshwar Singh,
Resident of Gosai Tola, Patliputra Colony, Near Mangal Deep Apartment,
Boring Road, P.S. S.K. Puri, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Sub Divisional Officer cum Licensing Authority, Patna Sadar, Patna.
5. The Supply Inspector, Ward No. 37 Rationing, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr.Government Pleader (6)

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

3 20-04-2026 Heard learned counsel for the parties.

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

*“(i) For issuance of appropriate writ/writs,
order/orders, direction/directions in the
nature of certiorari for quashing the order
contained in Memo No. 26/Aa dated
10.01.2022 passed by the Learned Sub-
Division Officer-cum-Licensing authority,*



Patna Sadar by which he has cancelled the license of the petitioner being License No. 396/2016 on the basis of allegation mentioned in the FIR and further on the basis of notice where there is no stipulation of proposed cancellation and that too without supplying the copy of inspection report.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the order dated 01.04.2023 passed in E.C. Appeal Case No. 68/2021-22 passed by the Learned Collector Patna by which he was pleased to dismiss the Statutory appeal filed on behalf of the petitioner.

(iii) For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the order dated 11.02.2025 passed in B.T. PDS Control Revision No. 176/2023 passed by the Learned Commissioner, Patna Division, Patna by which he was pleased to dismiss the Statutory revision filed on behalf of the petitioner without considering the grounds raised on behalf of the petitioner.

(iv) For issuance of appropriate writ/writs, order/orders, direction/directions in the nature of mandamus commanding the respondents to restore the license and allotment of the petitioner being License No. 396/2016.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 10.01.2022 vide Memo No. 26 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Pirbahor P.S. Case



No. 341 of 2021 had been instituted 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 10.01.2022 (Annexure-P/6) is hereby quashed and consequently the appellate order dated 01.04.2023 (Annexure-P/7) and the revisional order dated 11.02.2025 (Annexure P/8) are also 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)

Bhardwaj/-

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