

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3375 of 2026

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Birendra Das S/o Late Nathuni Das, R/o village- Naudiha, P.S. - Khizersarai,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya Ji.
3. The Collector-cum-District Magistrate, Gaya Ji.
4. The Additional Collector-cum-Addl. District Magistrate, Gaya Ji.
5. The Sub-Divisional Officer Neemchak Bathani, Headquarter, Khizersarai, Gaya Ji.
6. The Block Supply Officer, Khizersarai, Gaya Ji.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Advocate.
For the Respondent/s : Mr.Standing Counsel (28)

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

2 08-04-2026 Heard the learned counsel for the parties.

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

*(i)) For issuance of writ in the nature
of Certiorari or any other appropriate writ for
quashing of the order dated 01.12.2025 issued
as contained in Memo No. 3827 dated
02.12.2025 passed in Supply Appeal No.
05/2024 by the District Magistrate, Gaya Ji,
whereby and whereunder, the appeal of the
petitioner has been dismissed by affirming the
order as contained in Memo No.2166 dated
23.09.2023 passed by the Sub-Divisional Officer,
Neemchak Bathani, Gaya Ji.*



ii) For issuance of writ in the nature of Certiorari or any other appropriate writ for quashing of the order as contained in Memo No. 2166 dated 23.09.2023 passed by the Sub-Divisional Officer, Neemchak Bathani, Gaya ji, whereby and whereunder, the PDS licence bearing No. 29/2016 of the petitioner has been cancelled with immediate effect in view of under clause 28 of the Bihar Targeted Public Disribution System (Control) Order, 2016.

iii) For issuance of the writ in the nature of Mandamus or any other appropriate writ commanding the respondents to restore the PDS Licence bearing No. 29/2026 of the petitioner.

iv) For holding that the cancellation order is an example of double jeopardy as the licence of PDS shop of the petitioner was suspended vide order as contained in Memo No. 1934 dated 22.08.2023 and as per the relevant circulars/control order of the Central Government and State Government as well as the order passed by the Division Bench of this Hon'ble Court, the suspension of the Licence in itself is a punishment, as such when the petitioner has already been punished for the same cause of action, he cannot be again punished as cancel the licence of PDS shop of the petitioner for the same charge.”

3. Without going into the merits or demerits of the case, having regard to the fact that the petitioner is having an alternative and efficacious remedy of filing a revision under Section 32(vi) of the Control Order 2016. The petitioner is directed to approach the Divisional Commissioner ventilating his grievance within a period of four weeks from the date of the receipt of a copy of this order.



On receipt of the revision, the Divisional Commissioner shall pass necessary orders strictly in accordance with law within a period of four weeks thereof.

4. It is needless to mention that before any order passed, all the parties shall be put on notice and given an opportunity of hearing and submit their objections. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks thereof. Any order passed shall be communicated to all the parties.

5. With the above directions, the present Writ petition stands disposed off to the extent indicated above.

(A. Abhishek Reddy, J)

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