

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7282 of 2025

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Rajendra Mehta S/o Late Chhedi Mehta Resident of Village-Majhari, Ward
No 08, P. S.- Nirmali, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Bihar, Patna.
2. The Collector, Supaul.
3. The Sub-Divisional Officer-Cum-Licensing Authority, Nirmali, Supaul.
4. The Block Supply Officer, Nirmali, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr. Additional Advocate General (12)

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

5 29-01-2026 Heard the learned counsel for the parties.

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 the order dated 17.9.2024 contained in Memo No. 1316-2 dated 18.09.2024 passed by the Learned Sub-Division Officer-cum-Licensing authority Nirmali by which he has cancelled the license of the petitioner being License No. 35/2016 on the basis of a institution of FIR and further on the basis of notice where is no stipulation of proposed cancellation.

(ii) For issuance of appropriate writ/ writs, order/orders, direction/directions in the nature of mandamus commanding the respondents to restore the license of the petitioner being License No. 35/2016.

(iii) For other relief/ reliefs for



which the petitioner is entitled in the eye of law. ”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notices dated 08.09.2021 *vide* Memo No. 1231-2 & 06.10.2021 *vide* Memo No. 1341-2 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Nirmali P.S. Case No. 132/2021 had been instituted against the petitioner. Similarly, the impugned order has been passed on 17.09.2024 *vide* Memo No. 1316-2 dated 18.09.2024 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



17.09.2024/ 18.09.2024 is 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)

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