

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8339 of 2019

Vijendra Singh @ Vijagendra Singh, S/o Jaymangal Singh, Resident of
Village- Gow- Beladih, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Consumer Protection
Department, Old Secretariat, Patna.
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. The SDO, Sadar Gaya.
5. The Block Supply Officer, Belaganj, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Anand, Adv. Mr. Roop Kishan, Adv.
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG-5)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-07-2026

1. The Writ petition has been filed for the
following relief:-

*“That the present application
is being filed for challenging the order
dated 15.11.2017 passed by SDO
Sadar Gaya, fully contained in Memo
No. 804 whereby and whereunder the
PDS licence being Licence No.
42/2007 granted to the petitioner for
running a PDS Shop within the
Panchayat Belaganj, Block Belaganj,
District Gaya, was cancelled holding
therein that the petitioner has failed
to submit his reply in response to
Memo No 360 accordingly, the
charges level against the petitioner is
proved.”*



2. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

3. It is submitted by the Learned counsel for the petitioner that the ground given in the show cause notice dated 15.11.2017 vide Memo No. 804 for cancelling the PDS licence of the petitioner was that the petitioner failed to respond over a show cause dated 19.07.2017 contained in Memo No. 360 wherein a reply was sought from the petitioner for the irregularities found against him at the time of inspection and also a First Information Report (F.I.R.) bearing Belaganj P.S. Case No. 246 of 2017 had been instituted against him. Similarly, the impugned order has been passed on the ground of institution of the aforesaid FIR against the petitioner.

4. 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 passed in Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna at 113 as well.

5. In view of the above, the impugned order of SDO, Sadar Gaya, dated 15.11.2017 is hereby set aside.

6. It is 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 against him in accordance with law.

9. With the above directions, the Writ Petition stands allowed to the extent indicated.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2026.
Transmission Date	

