

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7024 of 2025

=====

Manan Singh, S/o Late Bhikham Singh, R/o Village-Thakur Dayal Singh ke
Dera, P.S.-Krishnabraham, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Food and Civil Supply
Department of Government of Bihar, Patna.
2. The District Magistrate, Buxar, District-Buxar.
3. The District Supply Officer, Buxar, District-Buxar.
4. The Sub Divisional Officer, Dumaraon, District-Buxar.
5. The Block Supply Officer, Dumaraon, District-Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey
For the Respondent/s : Mr.Government Pleader (25)

=====

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

5 10-02-2026 Heard learned counsel for the parties.

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

*“1. That this writ application is being filed
for issuance of a writ in the nature of
Certiorari quashing the order dated
04.10.2024 passed by the District
Magistrate, Buxar in Appeal Case No. 53/
2023 whereby and where under he has
affirmed the order dated 15.12.2020 passed
by Sub-Divisional Officer, Dumaraon,
(herein called S.D.O.) wherein the S.D.O.
Dumaraon did not considered the merit of
the case of the petitioner and cancelled the
P.D.S. Shop License of the petitioner without
considering the show cause reply of the
petitioner.*



1/A. Further. direct the concerned respondent to restore the petitioner's P.D.S. Shop License with immediate effect.

1/B. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner is found entitled to.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 15.12.2020 vide Memo No. 1948 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Krishnabrahm P.S. Case No. 482 of 2019 had been instituted against the petitioner. Similarly, the impugned order has been passed 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 15.12.2020 (Annexure P/5) is hereby quashed and consequently the appellate order dated 04.10.2024 (Annexure P/7) is 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/-

U			
---	--	--	--

