

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9283 of 2025

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Rajendra Sah S/o Late Ram Pratap Sah, Resident of Village- Harpur Balra,
Balara Ismile, Block- Kudhani, P.S.- Maniyari, District- Muzaffarpur, P.D.S.
dealer Panchayat Harpur Balara, Block- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Food and Civil Supply
Department Govt. of Bihar, Patna.
2. Sub-Divisional Magistrate, Muzaffarpur West P.S.- Town, District-
Muzaffarpur.
3. Block-Supply Officer, Kudhani, P.S.- Kudhani, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shankar Kishore Shahi, Adv.
For the Respondent/s	:	Mr. Government Advocate (11)
For the State	:	Mr. Pratik Kumar, Adv.

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

8 11-02-2026 Heard learned counsel for the parties.

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

*“1. That this an application for
issuance of a writ in the nature of certiorari for
quashing memo no. 28 dt. 09.01.025 as well as
memo no. 1560 dated 18.12.2023 passed by the
Sub-Divisional Magistrate, West, Muzaffarpur
whereby and where under the Licence of the
petitioner has been suspended without
considering the reply of show cause, after
elapse of more than one year of suspension of
the Licence of the petitioner dated 18.12.2023.
Block Supply Officer Kudhani vide Memo No.
368 dt. 21.12.2023 issued to the petitioner*



above cancellation of the shop. It violates Rule 28 of the control order, 2016 where it is stated a lawful action shall be taken within 180 days said memo 1560 dt. 18.12.2023 is provided to this petitioner on 19.02.2025 itself to the when the petitioner approached to the respondent no.- 2 on 20.12.2024 to restore the P.D.S. Licence.

It is further prayed to direct the Respondent No. 2 Sub-Divisional, Magistrate, West, Muzaffarpur to restore the P.D.S. Licence of the petitioner and to allot the monthly allotment in favour of the petitioner forthwith.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice for suspending the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Maniyari P.S. Case No. 380 of 2023 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 suspension 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 orders dated 09.01.2025 and 18.12.2023 are hereby quashed and 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)

Gauravkr/-

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