

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7882 of 2026

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Mina Devi @ Mina Kunwar W/o Late Mahesh Paswan, Resident of Village-
Paini Bedauli, Panchayat-Naudiha, P.S.- Imamganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. The Sub Divisional Officer, Sherghati, Gaya.
5. The Block Supply Officer, Imamganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhash, Advocate.
Mr. Sudhir Kumar Sinha, Advocate.
For the Respondent/s : Mr. Nagendra Prasad Yadav, SC 23.

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

3 07-07-2026 Heard the learned counsel for the parties.

2. The present Writ Petition has been filed for the
following relief/s:-

“(i) To issue an appropriate order/s direction/s including a writ preferably in the nature of Certiorari for quashing of the order dated 05.03.2026 as contained in Memo No. 954 Vidhi Passed by District Magistrate, Gaya passed in Supply Appeal Case No. 09/2025 by which the learned District Magistrate, Gaya affirm the order passed in Memo No. 50/Aa Sherghati, dated 23.01.2024 issued by the learned SDO Sherghati, Gaya (hereinafter referred to as Licensing Authority under the Bihar Targeted Public Distribution System



(Control) Order, 2016 whereby and whereunder he has cancel the fair price shop license 76/2016 of the petitioner for committing illegality and irregularity in distribution of food grains amongst to the consumers.

(ii) To direct the respondent No. 4 the SDO Sherghati, Gaya to restore the PDS dealership license of the petitioner henceforth with taking into the consideration that the same is only means of earning livelihood.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 15.06.2024 vide Memo No. 282 for cancellation of the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Imamganj P. S. Case No. 170 of 2024 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 order dated 05.03.2026 passed by the District Magistrate, Gaya and the order dated 23.01.2024 passed by the Sub-Divisional Officer, Sherghati, Gaya are both 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 her, the authorities are free to take necessary action in accordance with law.

9. However, this order will not preclude the authorities from taking action if it is found that the petitioner has violated any other condition of the provisions of the Bihar Targeted Public Distribution System (Control) order strictly in accordance with law.

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

(A. Abhishek Reddy, J)

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