

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12279 of 2025

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Ramaiya Ram, Son of Late Banshi Ram (P.D.S. Dealer), Resident of Village-
Dubauli, P.S.- Panapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran.
4. The Sub Divisional Officer, Marhowrah.
5. The Block Supply Officer, Panapur, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Senior Advocate with
Mr. Kumar Rajdeep, Advocate.

For the Respondent/s : Mr. Anuradha Singh, SC 21.

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

6 16-02-2026 Heard the learned counsel for the parties.

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

*“For issuance of a writ in the
nature of Certiorari for quashing the
order dated 22.11.2024/10.01.2025
passed in Supply Revision No. 181/2023
by the Divisional Commissioner, Saran
Division, Chapra, which was filed
against the order of the District
Magistrate, Saran, Chapra dismissing
the appeal by order dated 29.05.2023
Supply Appeal No. 11/2021 filed after
order dated 02.12.2013 of Sub-Divisional
Officer, Marhowrah, Saran by which*



PDS license No. 41/2007 of the petitioner was cancelled are liable to be set-aside as same have been passed in violation of the principles of Natural Justice, in as much as the impugned orders have been passed without considering the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that the authorities vide order dated 17.12.2013/02.12.2013 (Annexre-P/1) has cancelled the license of the petitioner solely on the ground that the petitioner did not deposit the requisite amount for the months of April, 2013 to June, 2013 and that the petitioner has forged the NEFT/Pay-in-Slips and submitted the same to the authority and attempted to lift the food-grains. Further, it was alleged that the petitioner did not deposit any amount till June, 2013, and the same been contrary to the provisions of the Act, the licence of the petitioner has been cancelled. Learned counsel for the petitioner submits that the allegation of forgery/fraud against the petitioner is yet to be proved and a criminal case in respect of the very same allegation is pending adjudication by the competent Criminal Court. Learned counsel submits that the petitioner has not lifted any food-grains during the above said period, therefore, it cannot be said that the petitioner has tried to cheat the authorities by submitting forged NEFT/Pay-in-Slips. Learned



counsel submits that the NEFT/Pay-in-Slips were submitted by his business rivals who were bent upon seeing that the licence of the petitioner is cancelled. Further, it is submitted that the respondent-authorities have themselves granted relief to the other similarly situated persons and allowed them to operate the PDS Shop vide order dated 20.12.2019 passed by the Commissioner, Saran Division, Chapra and the order dated 17.10.2023 passed by the District Magistrate, Saran, Division, Ghapra (Annexure P/4 series). Learned counsel submits that the petitioner has already suffered enough since the last more than thirteen years and prayed this Hon'ble Court to allow the present writ petition and direct the respondent-authorities to restore the PDS licence of the petitioner.

4. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel submits that the orders passed by the Divisional Commissioner, the District Magistrate and also the Sub-Divisional Officer in revision, appeal and primary proceedings respectively are in consonance with the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016 and the same does not require any interference by this Hon'ble Court. Learned



counsel therefore, prays this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, in the present case, there is an allegation against the petitioner that he has not deposited the necessary amounts for lifting the food-grains for the months of April, 2013 till June, 2013 and that the petitioner with a malicious intention has prepared forged NEFT/Pay-in-Slips in order to lift the food-grains from April, 2013 to June, 2013. However, it is to be noted that the petitioner has not lifted the food-grains during the said period and in so far as the allegations of submitting forged NEFT/Pay-in-Slips are concerned, the same are subject matter of the criminal case pending before the competent Criminal Court. Unless and until the competent Criminal Court convicts the petitioner and comes to the conclusion that the petitioner has submitted the forged documents, the authority cannot cancel the PDS license of the petitioner on that ground. Further, it is to be noted that the Divisional Commissioner under similar circumstances vide order dated 20.12.2019 in Supply Revision No. 97/2018 has set aside the order of cancellation and directed for restoration of the license of the PDS Dealer therein. Subsequently, the District Collector, Saran Division, Chapra vide order dated 17.10.2023



in Supply Appeal No. 10/2020 has also passed similar orders. There is no reason as to why the petitioner should be discriminated against when similarly situated persons have been granted relief and are allowed to operate the PDS Shops. Further, the appellate authority ought to have passed the orders on merits instead of dismissing the same on the ground of laches. The authority ought to have gone into the merits of the case and decided the same on the documents available instead of dismissing the case of the petitioner solely on the ground of limitation. Further, it is to be noted that the license of the petitioner has been cancelled in the year 2013 and more than 13 years have elapsed. This Court is of the opinion that the petitioner has already suffered enough for the minor laches committed by him of non-depositing the amount within the stipulated period i.e. for the month of April, 2013 till June, 2013.

6. Having regard to the same, the present writ petition is allowed. The impugned order dated 02.12.2013/17.12.2013 passed by the Sub-Divisional Officer, Marhowrah, Saran, the order dated 29.05.2023 passed by the District Magistrate, Saran, Chapra and the order dated 22.11.2024/10.01.2025 passed by the Divisional Commissioner, Saran Division, Chapra are all set



aside. The authorities are directed to restore the PDS license of the petitioner as expeditiously as possible preferably within a period of 4 weeks from the date of the receipt of the copy of this order. Any observations made in the present order shall be taken into consideration by the Criminal Court while passing orders in the pending criminal case and the order shall be passed on merits in accordance with law. The restoration of the PDS licence shall be subject to the final result of the criminal case pending against the petitioner herein.

7. With the above directions, the present writ petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy, J)

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