

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17331 of 2025

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Ritendra Kumar, S/o Late Shital Prasad, Mohalla- Addapar, Sohsarai,
Nalanda, Bihar- 803118.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna, Bihar.
2. The Divisional Commissioner, Patna Division, Patna Bihar.
3. The District Magistrate cum Collector, Nalanda, Bihar.
4. The Additional District Magistrate cum Additional Collector, Nalanda, Bihar.
5. The Sub-Divisional Officer, Bihar Shariff, Nalanda, Bihar.
6. The District Supply Officer, Nalanda, Bihar.
7. The Supply Inspector, Bihar Shariff, Nalanda, Bihar.
8. The Supply Inspector, Asthawa, Nalanda, Bihar.
9. The Supply Inspector, Rahui, Nalanda, Bihar.
10. The Supply Inspector, Noorsarai, Nalanda, Bihar.
11. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Nalanda.
12. The Assistant Manager (TDPS), Bihar State Food and Civil Supplies Corporation Ltd., Block Premises, Bihar Shariff, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Agrawal, Adv.
For the Respondent/s : Mr.Addl. Advocate General (05)

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

9 30-06-2026 Heard learned counsel for the parties.

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

*“i. For issuing appropriate writ/writs,
order/orders, direction/directions quashing*



the order dt. 03/01/2024 passed by Respondent Sub divisional Officer, Bihar Shariff, Nalanda vide which PDS License bearing no. 83/2016 of the Petitioner was cancelled.

ii. For issuing appropriate writ/writs, order/orders, direction/directions quashing the appellate order dt. 31.08.2024 passed by the Respondent Additional Collector, Nalanda vide which appeal preferred by the Petitioner against the order of cancellation of PDS License was dismissed.

iii. For issuing appropriate writ/writs, order/orders, direction/directions quashing the Revisional Order dt. 24.07.2025 passed by the Respondent Divisional Commissioner vide which Revision preferred by the Petitioner against the appellate order was rejected.

iv. For issuing appropriate writ/writs, order/orders, direction/directions directing the Respondents to restore the PDS License no. 83/2016 of the Petitioner and allot the allotments of the Food grains etc. as was being allotted prior to the cancellation of the said license in question.

V. For granting of other reliefs that in the facts and circumstances of the case would do complete justice to the Petitioners.”

3. Learned counsel for the petitioner submits that the solitary ground given in the order dated 03.01.2024 vide Memo No. 10 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Sohrai P.S. Case No. 80 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 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 03.01.2024 is hereby quashed and consequently the appellate order dated 31.08.2024 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/-

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