

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19111 of 2025

Horen Ray Son of Late Jharilal Roy, Resident of Village- Mehndibari,
Panchayat Harnagar, P.S.- Azamnagar, District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The Sub-Divisional Officer, Barsoi, Katihar.
4. The Block Supply Officer, Azamnagar, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand
For the Respondent/s : Mr.Government Pleader (14)

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

6 06-07-2026 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

“(i) In the nature of certiorari for setting aside the order of S.D.O Barsoi dated 27.9.2025 in case No. 03/2025 whereby and whereunder the PDS License bearing License No. 01/2014 was cancelled on the ground that the renewal application was filed after delay of 17 months which is in violation of 13(ii) of Bihar PDS Control order 2016.

(ii) For issuing writ/order/orders in the nature of mandamus commanding the Respondent No.3 to immediately renew the license being License No. 01/2014 in terms of the challans of licensing fees amount of Rs. 500 along with challan of delay fees of fine of Rs. 800 vide challan No. 12443 and challan No. 12444 dated 28.7.2025 deposited in the treasury, Katihar, as per the order of the Licensing authority cum-S.D.O Barsoi (Respondent No. 3).

(iii) To issue an appropriate



writ(s)/order(s)/direction(s) in the nature of mandamus commanding the respondents especially Respondent No. 3 & 4 to immediately start the allotment against the PDS license No. 01/14 of the petitioner.

(iv) For any other relief(s) that the petitioner is entitled to in the facts, laws and circumstances of the case.”

3. It is the case of the petitioner that the petitioner was granted PDS license for running of the shop in the village Mehndibari, Panchayat Harnagar, Block-Azamnagar, District-Katihar in the year 2014. Thereafter, the license of the petitioner was renewed from time to time and the petitioner has been running the shop without any complaint from any of the beneficiaries. Learned counsel submits that the authority has suspended the license of the petitioner on 13.10.2023 *vide* Memo No. 602 solely on the ground that there are discrepancies in the E-Pos Machine. That earlier the petitioner has made several rounds of the office of the authority without any success and therefore, he had to approach this Hon'ble Court by way of CWJC No. 13500 of 2024. This Court *vide* order dated 26.11.2024 has directed to the petitioner to file a suitable representation before the concerned authority and on such representation being made, the authority has restored the license of the petitioner *vide* order dated 09.01.2025 and the supply was



also resumed. Thereafter, the authority has issued show cause notice on 24.07.2025 seeking cancellation of the license of the petitioner solely on the ground that the petitioner's license was valid up till December, 2023 and the petitioner had not filed any application for renewal of his license. That the petitioner has filed his explanation and also on the instructions of the concerned authority has deposited the *challan* along with late fees on 28.07.2025. However, the authority without considering the same has passed the order of cancellation on 27.09.2026 (Annexure-P/6).

4. Learned counsel has submitted that during the suspension of the license of the petitioner, there was no occasion for the petitioner to get his license renewed as for the mandate of Rule 13(ii)(c) of the Bihar Targeted Public Distribution System Control Order, 2016 (Control Order, 2016). That unless and until the suspension was revoked, the petitioner could not deposit the *challan* with late fees. Further, it is stated that the suspension of the license of the petitioner was revoked on 21.01.2025 and the petitioner has deposited the *challan* on 28.07.2025 (i.e., well within the maximum period allowed for renewal with late fees). Learned counsel has submitted that the authority without taking note of the above mentioned facts has



cancelled the license of the petitioner and therefore, prayed this Hon'ble Court to set aside the impugned order dated 27.09.2025 and restore the license of the petitioner. Learned counsel has relied on the judgments of this Hon'ble passed in CWJC Nos. 1361 of 2014 dated 28.06.2016 & 19458 of 2024 dated 20.08.2025.

5. *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 has stated that the petitioner ought to have renewed his license within one month from the date of expiry without late fees and the maximum period permissible with late fee is six months. Learned counsel has stated that the license of the petitioner had expired in the Month of December, 2023 and the petitioner had kept quiet for almost 17 months before filing his explanation. Further, learned counsel has stated that the petitioner is having an alternative and efficacious remedy of filing a statutory appeal before the District Magistrate against the order of the cancellation dated 27.09.2025 but the petitioner without availing the same has straightaway approached this Hon'ble Court which is impermissible under law and prayed for dismissing the present writ petition.



6. Admittedly, in this particular case, the license of the petitioner was suspended on 13.10.2023 and was restored only on 09.01.2025. Thereafter, the petitioner on instructions of the authority has paid the *challan* on 28.07.2025 (i.e., well within the period of six months envisaged under the Control Order, 2016. Admittedly, under Clause 13(ii)(c) of the Control Order, 2016, the license cannot be renewed during the period of suspension.

7. A Coordinate Bench of this Hon'ble Court in CWJC No. 1361 of 2014 dated 28.06.2016 under similar circumstances had set aside the order of cancellation and restored the license of the petitioner.

8. It is pertinent to note that the question of renewing the license of the petitioner during the suspension does not arise. Admittedly, the license was restored only on 09.01.2025 and the petitioner paid the *challan* on 28.07.2025 along with late fees which is well within the stipulated time. Therefore, the authority was not right in cancelling the license of the petitioner on the ground that the petitioner did not renew his license for a period of 17 months.

9. Having regard to the above mentioned facts and circumstances, the impugned order of cancellation dated



27.09.2025 is set aside and the license of the petitioner is restored. The authority is directed to resume the supply of the food grains so as to enable the petitioner to distribute the same to the beneficiaries attached with his shop. The authority shall resume the supply of the food grains as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. The authority shall also pass necessary orders on the application of the petitioner for renewal of the license duly taking into consideration the observations made by this Court in the present writ petition as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

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

(A. Abhishek Reddy, J)

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