

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10841 of 2023

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Sakindra Roy son of Late Ram Lakhan Roy, Resident of Village-
Mohammadpur Bazurg, P.s.-Sarai, District-Vaishali at Hajipur, Vaishali,
P.D.S. Dealer of Bhagwanpur Block, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food Consumer and
Prosecution Department Md. Secretariat, Patna-15.
2. The Divisional Commissioner Tirhut Division, Muzaffarpur.
3. The Collector, Vaishali at Hajipur.
4. The such Divisional Officer, Hajipur, District Vaishali
5. The Block Supply Officer, Bhagwanpur, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (Sc !!)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-09-2026

1. The Writ petition has been filed for the
following relief:-

*“A. For quashing and setting
aside the order dated 26.11.2020
(vide Annexure-9) passed illegally by
the Sub Divisional Officer, Hajipur
cancelling the license of the
petitioner with immediate effect in
violation of clause 29 of the P.d.S.
control, Order, 2016.*

*B. For quashing and setting
aside the order dated 12.03.2022
(Annex 10) passed by the Collector,
Vaishali in P.D.S. Appeal Case No.
66/2021 rejecting the appeal filed the
petitioner without examining the*



provision of Clause 29 of the P.D.S. Control Order, 2016.

C. For quashing and setting aside the order dated 25.04.2023 vide Annexure (12) passed by the Divisional Commissioner, Muzaffarpur illegally dismissing the P.D.S. Revision petition of the petitioner in Revision Case No. 60/2023 without examining the legal issue involved in this case under clause 29 of the control order, 2016.

D. To issue a writ of mandamus commanding the respondent to restore the petitioner license and to make allotment for the petitioner is shop.

E. To issue any other order, direction for which the petitioner entitled for.”

2. At the outset, the Learned counsel for the parties, submitted that the issue involved in the present Writ petition is squarely covered by the order judgment dated 17.07.2026 passed by this Court in **C.W.J.C. No. 8339 of 2019 (Vijendra Singh @Vijendra Singh Vs. The State of Bihar)**, wherein an identical issue was considered and adjudicated. The Learned counsel for the parties, therefore, submit that in view of the aforesaid judgment, the present Writ petition may



also be disposed of in the same terms.

3. In **Vijendra Singh @Vijendra Singh** (supra), this Court has held as follows:-

3. It is submitted by the Learned counsel for the petitioner that the ground given in the show cause notice dated 15.11.2017 vide Memo No. 804 for cancelling the PDS licence of the petitioner was that the petitioner failed to respond over a show cause dated 19.07.2017 contained in Memo No. 360 wherein a reply was sought from the petitioner for the irregularities found against him at the time of inspection and also a First Information Report (F.I.R.) bearing Belaganj P.S. Case No. 246 of 2017 had been instituted against him. Similarly, the impugned order has been passed on the ground of institution of the aforesaid FIR against the petitioner.

4. 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 passed in Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna at 113 as well.

5. In view of the above, the impugned order of SDO, Sadar Gaya, dated 15.11.2017 is hereby set aside.

6. It is 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 against him in accordance with law.

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

4. Having regard to the submissions made by the parties, the present Writ petition stands allowed in terms of the aforesaid order passed in **Vijendra Singh @Vijagendra Singh** (supra).



5. Accordingly, the impugned orders dated 26.11.2020 passed by S.D.O., dated 12.03.2022 passed by Collector, Vaishali, and dated 25.04.2023 passed by Divisional Commissioner, Muzaffapur, are set aside. Needless to say, supplies to the petitioner shall be restored without delay.

6. 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.

7. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.09.2026
Transmission Date	

