

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8710 of 2013

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1. Binod Kumar Son Of Late Hari Prasad Sah Resident Of Mohalla Karimchak, Azad Road, P.S. Chapra Town, District Siwan

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Food And Consumer Protection Department, Old Secretariat, Patna
 2. The Commissioner, Saran Division Chapra, District Saran
 3. The District Magistrate, Saran , Chapra, Distt, Saran
 4. The Sub Divisional Officer, Sadar Chapra, Distt. Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
 Mr. D.N. Tiwari, Advocate
 Mr. Vijay Anand, Advocate

For the Respondent/s : Mr. Shankar Kumar Choudhary, AC to AAG14

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 12-08-2015 The petitioner states that for running business of public distribution shop the licence was made in favour of the petitioner and his brother Chandrasekhar Prasad. Subsequently, the authorities were of the view that the licence for joint dealership ought not to have been given and as such the joint licence granted in favour of the petitioner and his brother was cancelled.

Being aggrieved, the petitioner moved this Court in C.W.J.C.No.5370 of 2012 which was disposed of by order dated 10.1.2013 with liberty to the petitioner to move the licensing authority afresh for grant of licence which would be considered on its own merit.

The petitioner thereafter moved the licensing authority for issuance of licence. However, the prayer for grant of dealership licence was rejected vide order dated 11.3.2013 (Annexure-9). The licensing authority rejected the application on the ground that as per departmental letter no.5738 dated 23.6.2011, no individual would be granted dealership licence for the public distribution shop.

Learned counsel submits that the application of the petitioner was rejected on *non est* ground as the letter no.23.6.2011 has been held to be unjustifiable by this Court, vide order dated 20.12.2013 passed in C.W.J.C. No.15157 of 2011 and its analogous cases. Reliance was also placed on the order dated 17.4.2009 passed in C.W.J.C. No.4718 of 2009.

As the letter dated 23.6.2011 has been held non est, the impugned order is set aside and the matter is remitted to the licensing authority for taking fresh consideration of the matter on merit.

In the result, this writ application is allowed. The Court has not expressed any opinion on the merit of the case.

(Samarendra Pratap Singh, J)

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