

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8634 of 1999

Fair Price Dealers Association, Nawadah.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. The D.M. cum-Collector, Nawadah.
- 3. The SDO, Nawadah.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. A.K.JAIN

For the Respondent/s : Mr. (SC1)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-02-2015

In the present case, claim has been made that the licence of petitioners who were fair price dealers has been illegally cancelled on the basis of population as per 1991 census.

It has been stated that the petitioners were PDS Licence holders distributing essential commodities at the subsidized rates to the members who have been enlisted as consumer. Respondents wrongly determined the number of shops to be located in the different areas on the basis of 1991 census and relief has been sought for their reinstatement.

A counter affidavit has been filed by the State wherefrom it appears that a survey of fair price shops was made relating to census of population of Nawadah town and after proper study of population, extra licence holders of Public Distribution Shops corresponding to population were given notices and finally their licenses were cancelled.

It has further been stated that the shops which were granted licenses ward-wise adopting one standard for all, were given notice that their shops were found in excess of ratio of population of the area vide Annexur-1 and

after giving them a fair opportunity to place their case, they were declared in excess of population criteria their licenses were cancelled.

This Court finds that it is rationalization of shops which is within the domain of the State Government. If the fair price shops have been rearranged adopting the population as basis, it cannot be said to be irrational. In such view of the matter, this Court does not find any error in the action of the Government.

Accordingly, this petition is dismissed.

Jay/-

(Shivaji Pandey, J)

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