

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17999 of 2013

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1. Jitendra Rai Son Of Late Babu Ram Rai Village - Girdhar Parsa, P.O. - Bhagwat Parsa, P.S. - Phulwaria, District - Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar Through, The Principal Secretary, Department Of Food And Consumer Protection, Government Of Bihar, Patna
 2. The Principal Secretary, Department Of Food And Consumer Protection , Government Of Bihar, Patna
 3. The Collector, Gopalganj
 4. The Sub-Divisional Officer, Hathua, District - Gopalganj
 5. The Block Supply Officer, Phulwaria, District - Gopalganj
 6. Binda Devi Wife Of Sanjay Yadav @ Sanjay Kumar Yadav Resident Of Village - Selar Kala, P.S. - Phulwaria, District - Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 17-09-2015 The petitioner is a consumer under Respondent No.6 who holds licence of Public Distribution Shop bearing licence No.53 of 2007. Respondent No.6 has filed Supply appeal No.10 of 2013 against cancellation of licence before the Collector, Gopalganj. The petitioner seeks a direction to the Collector, Gopalganj to allow him as an intervener in opposition to the appeal filed by respondent No.6.

The petitioner submits that the husband of respondent No.6 Binda Devi, namely Sanjay Yadav, who is an employee in Bihar State Legislative Assembly, is close to power that be. He



further submits that respondent No.6 has been operating her PDS shop in violation of rules, regulations and terms of licence. Time and again she has violated the terms and conditions of the licence with impunity. Earlier also the license of the petitioner was cancelled on 26.5.2012 but the same was restored by the Appellate Authority. Respondent No.6, as usual, again defaulted in adhering to the terms and conditions of the licence and as such her licence was not renewed by order, dated 17.8.2013 passed by the S.D.O., Sadar, Gopalganj. Against the order of licensing authority refusing to renew her license, respondent No.6 has filed an appeal before the Collector, Gopalganj.

Learned counsel for the State-Respondent opposes the submission of the petitioner. He submits that the apprehension of the petitioner is baseless and misfounded. No favour has been made to respondent No.6 on account of any political interference or otherwise. He further submits that the petitioner has not even whispered that respondent No.6 ever did not supply trade items to him or charged higher price for the same.

I have heard learned counsel for the parties.

There is no provision permitting the consumer to intervene in an appeal filed by the licensee against either cancellation or renewal of his licence. As such, the prayer of the petitioner for

directing the Appellate Authority to allow him to intervene in the appeal is misconceived and fit to be rejected on this ground alone. Further more, allowing a consumer to intervene in appeal would set unwarranted precedent and would open a flood gate for number of such applications to be filed in appeal/revision which would lead to chaos.

In the result, I do not find any merit in this application. It is accordingly dismissed. It goes without saying that the Appellate Authority would consider all the relevant materials on record while disposing of the appeal.

(Samarendra Pratap Singh, J)

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