

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17581 of 2013

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Rajendra Shaw, Son of Sri Hakum Shaw, resident of Village- Sripalpur,
P.S. Koilwar, District Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-Cum-District Collector, Bhojpur, Ara
3. The S.D.O., Sadar, Bhojpur, Ara
4. The Block Supply Officer, Koilwar, Bhojpur, Ara

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Rai, Advocate

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 22-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated 09.04.2013 passed by Sub-Divisional Officer, Ara (Sadar), whereby he has expressed his inability to grant P.D.S. license to an individual in view of 2011 amendment as well as letter no. 677 dated 17.08.2011 issued by the Government pursuant to amendment incorporated on 23.06.2011.

It would appear from the impugned order that the refusal of license is on the ground that Clause 3 of the amended 2011 Order prohibits issuance of license to individuals. As per the amended provisions, the license can be issued only in favour of PACCS, Co-operative Society, Ex-Army Co-operative Society, Consumer Society store and Woman Co-operative Society..

I find that the Clause-3 of 2011 Amendment has been set aside by order dated 20.12.2013 passed by a Division Bench of this Court in C.W.J.C. No. 15157 of 2011 heard analogous with other cases.

The writ application is fully covered under the aforesaid order. In the circumstances, the impugned order is set aside. Let the case of the petitioners be considered in accordance with law.

This application stands allowed to the extent mentioned above.

(Samarendra Pratap Singh, J.)

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