

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22415 of 2013

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Fuleshwar Poddar

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 07-10-2015 Heard learned counsel for the petitioner and the State.

It appears from the order dated 30.7.2012 passed by the licensing authority that the application for grant of licence to the petitioner has been rejected solely on the ground that the notification dated 23.6.2011 prohibits grant of licence to an individual.

The notification dated 23.6.2011 so far as it prohibits grant of licence to an individual has been held to be unreasonable and untenable in law and has been set aside to that extent.

Being conscious of the aforesaid position, the Government has also issued necessary notification vide letter no.61 dated 5.1.2015 of Secretary, Food and Consumer Protection Department.

In this view of the matter, the impugned order rejecting the application of the petitioner for grant of PDS licence on the ground that individual cannot be granted licence in view of

notification/amendment dated 23.6.2011 in PDS Order, 2007 is set aside. The licensing authority would proceed to consider the petitioner's application in accordance with law.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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