

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17904 of 2013

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1. Raja Ram Bharti S/O Late Yogendra Bharati R/O Vill Panapur, P.S.
 Rejepur District- E. Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
 2. The District Magistrate, Bettiah, E. Champaran
 3. The S.D.J.M., Pakaridayal, E. Champaran
 4. The District Supply Officer, Motihari, E. Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Respondent/s : Mr.

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

5 26-11-2015 Heard learned Counsel for the petitioner and the State.

The petitioner was a licensee of PDS shop bearing licence No.6/1998. The licence of the petitioner was renewed from time to time on deposit of requisite fee. The petitioner failed to get his license renewed after 2003.

The petitioner submits that he was ill and as such he could not deposit the requisite fee. However, he made a representation for deposit of requisite fee in the year 2007 but no decision was taken on his application. As such, the petitioner moved this Court in C.W.J.C. No.10029 of 2010 which was disposed of by order dated 24.8.2012 with a direction to the Sub-Divisional Officer, Pakaridayal to dispose of the representation of the petitioner for renewal of licence within two months from the date of

receipt/production of a copy of that order.

In view of order of this Court, the petitioner filed his representation. However, not being satisfied with the grounds mentioned therein, the Sub-Divisional Officer, Pakaridayal rejected his representation for renewal of licence.

It appears that besides other grounds, the licence of the petitioner was rejected also on the ground that in view of government Notificaiton dated 23.6.2011, the individuals were excluded from government licence for fair price shop under the PDS System.

Learned counsel for the petitioner rightly submits that the said ground was not available as the said notification was held ultra vires the provisions of the Public Distribution System (Control) Order, 2001 itself.

On the other hand, counsel for the State submits that even on merit the petitioner does not deserve the renewal of his licence as he slept over the matter for a long period.

However, one of the grounds on which the representation of the petitioner for renewal of his license was rejected was not tenable in law. The matter as such is remitted to the licensing authority for fresh consideration. The licensing authority would take its own decision in the facts of the case within three months

from the date of receipt/production of a copy of this order. This Court has not expressed any opinion on the merit of claim of either parties.

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

(Samarendra Pratap Singh, J)

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