

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16448 of 2013

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1. Amita Devi Wife Of Vijay Kumar Sardar Resident Of Village- Majlispur,
P.S.- Palasi, District- Araria

.... Petitioner

Versus

1. The State Of Bihar Through The Collector, Araria
2. The Collector, Araria
3. The Sub-Divisional Officer, Araria

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate
Mr. Sanjay Kumar Sharma, Advocate
Mr. Sanket, Advocate
Mr. Prince Kumar Mishra, Advocate

For the Respondent/s : Mr. Md. N. Hoda Khan

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

2 14-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner was granted PDS licence prior to 20.2.2007 under the provisions of Bihar Trade Articles (Licenses Unification) Order, 1984. Later on by order dated 20.12.2007 passed by the Sub-Divisional officer, Araria his license was cancelled on the ground of not having approval of the District Selection Committee. An appeal preferred by the petitioner against the order of the Sub-Divisional Officer, Araria was also rejected.

The petitioner submits that under the Bihar Trade Articles (Licenses Unification) Order, 1984 there was no requirement of approval of the District Selection Committee prior to issuance of licence. The petitioner further submits that in fact the Sub-

Divisional officer, Araria on the same date cancelled about 329 licenses on the same ground. He submits that many of the licensees whose license has been cancelled moved this Court in writ jurisdiction. This Court allowed the writ petitions as the authorities erred in cancelling the license for want of approval of District Selection Committee which was not the requirement at the relevant time.

The instant writ application is fully covered by order dated 11.9.2014 passed in C.W.J.C. No.5131 of 2014 and order dated 24.12.2014 passed in C.W.J.C. No.10498 of 2013 heard with analogous cases.

In this view of the matter, the instant writ application is allowed and the impugned order dated 20.12.2007 passed by the Sub-Divisional officer, Araria and order dated 12.2.2008 passed by the Collector, Araria in Appeal No.197 of 2007-08 are set aside with consequential benefits.

(Samarendra Pratap Singh, J)

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