

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13884 of 2015

- =====
1. Vinodanand Jha, Son of late Durganand Jha Resident of Village Dularpur, P.s Sadar, District Darbhanga presently Deputy Chairman of the Fair Price Shop Association of District Darbhanga.
 2. Rajeev kumar Choudhary, Son of late Ram Pratap Choudhary resident of Village Tower Chowk, P.S- Laherisarai, District Darbhanga.

.... Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. Collector, Darbhanga.
3. Sub-divisional officer, Darbhanga
4. Sub-divisional Officer, Biraul, District Darbhanga.
5. Sub-divisional Officer, Benipur, District Darbhanga.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Imteyaz Ahmad, Advocate
Mr. Ravi Ranjan, Advocate

For the Respondent/s : Mr. Sudhir Kumar Singh, AC to G.A.4

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 30-03-2016 Heard parties.

The sole grievance of the petitioners is that their licence granted for running P.D.S. Shops were cancelled by the Sub-Divisional Officer and, thereafter, appeals have been preferred, which have remained pending for about four years, however, even without deciding the appeals, the authorities have come up with the notification inviting applications for grant of fresh P.D.S. licence which includes those also which were earlier granted to the petitioners and subsequently have been cancelled by

the licensing authority.

On such contention having been raised on behalf of the petitioners, the State was directed to file counter affidavit which could not be filed within time for that the order dated 15.03.2016 came to be passed and, in compliance of which, the Collector, Darbhanga is present in person. He has informed this Court that there is statutory provision that the moment licence is cancelled, even without waiting for the result of the appeal having been preferred against that order, fresh licences can be issued in accordance with law which would be subject to the result of the appeals. However, in my view, since the appeals have remained pending for about four years and in the meantime, fresh licences could not be issued, it would not be proper to do that now without disposal of appeals as it would further complicate the issue.

In above view of the matter, this writ application is being disposed of with a direction to the District Magistrate, Darbhanga to dispose of the appeals of the petitioners expeditiously.

The Collector informs that hearing can be done on 9.04.2016. The petitioners would be required to appear before the Collector, Darbhanga and pursue their appeals which should be heard and a reasoned order should be passed expeditiously.

However, grant of fresh licence would await such decision with respect to the shops which were earlier allotted to the petitioners.

The other points have not been raised by the petitioners at this stage in view of the fact that the appeals itself are still pending and they would be at liberty to raise all the points before the appellate authority.

The personal appearance of the District Magistrate, Darbhanga is dispensed with.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

U			
---	--	--	--