

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3262 of 2015

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Sriniwash Sudhansu Son of Late Doman Das Resident of Village + P.O. and P.S. -
Asarganj, District - Munger.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Munger, District - Munger.
3. The Sub-Divisional Officer-cum-Licensing Authority, Tarapur, District - Munger.
4. Prof . Dilip Kumar Ranja, Son of Sri Rameshwar Panjiar, Resident of Village + P.O. and P.S. - Asarganj, District - Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. ARBIND KUMAR NO. II, SC17

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-11-2017

The present writ petition has been filed for a direction to the respondents to stop functioning of Primary Agriculture Co-operative Society (PACS), Asargarh Panchayat of Asargarh Block in the District of Munger as a Public Distribution System Licensee which is granted in the light of the Public Distribution System (Control) Amendment Order, 2011 issued by the State Government vide Memo No. 5738 dated 23.06.2011 and further to direct the licensing authority to cancel the P.D.S. Licence of the above mentioned PACS.

2. Learned counsel for the petitioner submits that the licence has been granted to the PACS through Chairman, who happens to be the Mukhiya, and thus the provisions of Section 2.6 (b) of the PDS Control Order, 2001 have been violated.



3. A perusal of the said provision relied upon by the petitioner however, discloses that the bar is against allotment of licence in favour of the elected Mukhiya, Sarpanch, Ward Member, Panchayat Samiti Member, Zila Parishad Member, M.L.A., M.P., Member of Municipal Corporation and Municipality during their tenure, whereas according to the prayer portion of the petition itself, the licence has been granted to the PACS and not in favour of its Chairman, who, the petitioner claims, happens to be the Mukhiya. The necessary facts with regard to when the allotment of licence was made in favour of the respondent no. 4 and also other relevant facts have not been brought on record, in absence of which the matter cannot properly be adjudicated here. More significantly, the PACS has also not been impleaded as party-respondent.

4. The writ petition accordingly stands dismissed with liberty to the petitioner to approach the concerned authorities, if so advised, for redressal of his grievances.

(Vikash Jain, J)

Chandran/BT

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