

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3586 of 2015

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Ram Pravesh Paswan, son of Sri Lal Bahadur Paswan, resident of village-
Niranjanpur, P.O. - Sikariya, P.S. Sasaram, District- Rohtas. A Member-cum-
President of Chetna Krishak Seva Swalambi Sahkari Samiti Ltd. Niranjanpur under
Bhadokhra Panchayat, Sasaram.

.... Petitioner

Versus

1. The State of Bihar through Collector, Rohtas Sasaram.
2. The District Supply Officer, Rohtas at Sasaram.
3. The Sub-Divisional Officer, Sasaram, Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Adv.
Mr. Navin Kumar Jha, Adv.

For the Respondent/s : Mr. Udyas Prasad, A.C. to G.P.-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-06-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner is the President of Chetna Krishak Seva Swalambi Sahkari Samiti Limited (hereinafter referred to as “Co-operative Society”). The Co-operative Society has obtained a licence for running the P.D.S. shop and the said licence was issued in favour of one Kunti Devi, who was running the P.D.S. shop, but she died on 07.09.2014 on account of cancer disease. Whereafter, the Board of Directors of the Co-operative Society sat and took



decision for appointment of the present petitioner in place of Kunti Devi to run the P.D.S. shop. Accordingly, the petitioner has filed an application to transfer the licence in his favour, but he is moving around unsuccessfully.

3. A counter affidavit has been filed; wherein the order of the Licensing Authority dated 21.07.2015 has been attached, from where it appears that he has arrived to a finding that the Society as such was/is not in existence on account of non-filing of the return. But, the learned counsel for the petitioner has drawn the attention of this Court to the letter dated 9.1.2016, from where it appears that the District Co-operative Officer, Rohtas, Sasaram, has addressed a letter to the Sub-Divisional Officer, Sasaram, informing that return has been filed and the Society has produced the record of General Body Meeting and found that the Society is in working condition.

4. In such view of the matter, the finding of the Sub-Divisional Officer, Sasaram, that it is a dead society is completely not tenable in view of the letter addressed by the District Co-operative Officer, Rohtas, Sasaram. As the Co-operative Society is in existence, let the Co-operative Society file an application, wherein request would be made by the Co-operative Society to transfer the licence in favour of the present petitioner as he will be



running the P.D.S. shop in place of Kunti Devi.

5. Let the petitioner file a proper application attaching the proper Resolution of the Co-operative Society to the Licensing Officer. If such an application is filed, the Licensing Officer will be obliged to take decision with respect to grant of licence to the Society vis-à-vis to the petitioner within a period of three months from the date of filing of such application.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	23.06.2017
Transmission Date	N/A.

