

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11278 of 2016

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Parito Devi its Chairman of Aurai PACs P.D.S. Dealer, W/o Tulsi Rai,
Resident of Village- Prayag Chak, P.S.- Aurai, District- Muzaffarpur.
.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer, East Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Block Supply Officer, Aurai, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner: Mr. Pancham lal Jaiswal, Adv.

: Mr. Raju Kumar, Adv.

For the State : Mr. Ragjwanand, GA-11.

: Mr. Sanjay Kumar Tiwar, AC to GA-11.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-01-2017

Heard learned counsel for the petition and the State.

Petitioner seeks quashing of the order dated 02.07.2016 passed by the Sub-divisional Officer, East Muzaffarpur by which the PDS licence No. 04-AUR-01-10 of PACs was cancelled on the ground that no renewal fee was deposited till July, 2015 and even after eight months also no renewal fee along with late fine could be deposited and, as such, order was passed.

It is submitted on behalf of the petitioner that due to



the laches on the part of the earlier Managing Committee and the Chairman of the PACs the renewal fee could not be deposited.

However, if licence to the PACs is not renewed then all the beneficiaries attached to the concerned village would suffer at large, this Court, *ex debito justitiae* is inclined to grant the petitioner one opportunity to deposit the renewal fee along with the late fine. The same should be deposited within a period of three weeks from today.

Accordingly, the order dated 02.07.2016, as contained in Annexure-1 is quashed and set aside. Let the licence of the concerned PACs be renewed.

However, if again the petitioner fails to comply then the order as contained in Annexure-1 will stand automatically revived.

It is made clear that this order would not be treated as precedence.

Accordingly, this writ petition stands disposed of.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2017
Transmission Date	NA

