

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8875 of 2017

=====

Vidyajhanp Paccs through Its Chairman Vijay Kumar Mishra, S/o Ram Lala Mishra, Resident of Village-Vidyajhanp, P.S.-Sakra, 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, Rast Muazaffarpur.
4. The District Supply Officer, Muzaffarpur
5. The Block Supply Officer, Muraul, Muzaffarpur.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar, Adv.
Mr. Raju Kumar, Adv.
For the Respondent/s : Mr. S. Raza Ahmad- A.A.G.-5
Mr. Alok Ranjan, A.C. to A.A.G.-5

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-08-2017

Learned counsel for the State submits that deficit Court

Fee will be deposited within one week from today.

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

3. In this case, the petitioner is challenging the order containing memo no.399 dated 15.05.2017 passed by the Sub-Divisional Officer, East Muzaffarpur-cum-Licensing Authority,



whereby and where-under he has refused to renew the licence no.01-MUR-01-11 on the ground of non-renewal of same in time.

4. The present petitioner is the Chairman of the PACs, making a submission that renewal of the licence could not be done in time as the outgoing PACs Chairman did not hand over the charge. On assuming the charge, he has filed application for renewal of licence along with chalan of Rs.1000/- on 21.01.2017, but the licence has not been renewed on the ground that in time no effort was taken to renew the licence.

5. As it appears from the order of the Sub-Divisional Officer that the licence was to renew by September, 2016, but even within extended period, the PACs did not deposit the renewal fee, automatically on operation of law, the licence of the PACs has been cancelled. But, the question is that there is no allegation against the petitioner to have involved in any misdemeanour and corruption with respect to the distribution of the food-grains. On account of non-renewal of licence, the consumers have been deprived of the benefit and this Court by way of *ex debito justitiae* grants one opportunity to the petitioner to deposit the renewal fee along with late fine.



6. In such view of the matter, the order containing memo no.399 dated 15.05.2017 is quashed. Let the petitioner deposit the renewal fee along with late fine within a period of three weeks from today. The Sub-Divisional Officer, East Muzaffarpur, will accept the same and renew the licence of the petitioner. If the petitioner would fail to comply the aforesaid direction, then the relief which has been given hereinabove will be treated to have been withdrawn and the order containing memo no.399 dated 15.05.2017 will be treated to have revived automatically.

7. It is clarified that this relief has been granted as because of first time default. If the petitioner repeats the same mistake, the Sub-Divisional Officer, will be at liberty to take action in accordance with law. This order will not be treated as a precedent.

8. 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	30.08.2017
Transmission Date	N/A.

