

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5265 of 2015

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Sunil Kumar. Son of Late Dharamnath Sah, Resident of Mohalla - Salempur,
P.S.- Town Chapra, District - Saran.

.... Petitioner

Versus

1. The Secretary, Department of Food & Civil Supply, Govt. of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra, District - Saran.
3. The District Magistrate, Saran, Chapra, Distt.- Saran.
4. The Sub-Divisional Officer, Sadar Chapra, Distt.- Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari
Ms. Preety Kunwar, Advocate.

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-08-2018

The present writ petition has been filed for quashing the order dated 18.06.2013 passed by the learned Sub-Divisional Officer, Sadar, Chapra issued vide Memo No. 33/Ka whereby and whereunder the learned S.D.O. has failed to issue a license for grant of Public Distribution Shop in terms of Department Circular No. 5738 dated 23.06.2011.

2. Learned Senior Counsel Mr. N.K. Agrawal appearing on behalf of the petitioner submits that the impugned order dated 18.06.2013 refusing to grant PDS license in the individual name of the petitioner in the light of the bar contained in Government Notification



dated 23rd of June 2011 cannot be sustained. He invites reference to the judgment of a Division Bench of this Court dated 20.12.2013 in C.W.J.C. No. 15157 of 2011 (Bihar Pradesh Jan Bitran Pranali Dukandar Sangh Vs. The State of Bihar and others and analogous cases), wherein the said Government Notification dated 23rd of June 2011 has since been quashed and set aside.

3. None appears on behalf of the respondents when the matter is called.

4. Having regard to the order passed in C.W.J.C. No. 15157 of 2011 and analogous cases by which the Government Notification dated 23rd of June, 2011 has been set aside. The foundation in the impugned order refusing to grant the PDS licence of the petitioner no longer survives and the same is accordingly quashed.

5. The writ petition stands allowed.

6. Supplies to the petitioner shall be restored without undue delay.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.08.2018
Transmission Date	N.A.

