

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12180 of 2014

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1. Raj Ballabh Mochi Son of Late Dukharan Mochi
2. Panchlal Mochi Son of Late Marchu Mochi
3. Ganauri Thakur son of Late Ramprit Thakur
4. Lal Mohan Thakur Son of Late Brij Mohan Thakur
All residents of Village- Bauan, Gram Panchayat- Nadhari, Kodhari Block,
Paliganj, Police Station- Sigori, District- Patna

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Bihar, Patna
2. The Collector, Patna
3. The Sub Divisional Officer, Paliganj, Patna
4. The Block Development Officer, Paliganj, Patna
5. The Block Supply Officer Cum- Marketing Officer, Paliganj, Patna
6. Uma Kant Paswan Son of Rajballabh Paswan, resident of village- Bauan,
Police Station- Sigori, District- Patna

.... Respondents

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Appearance :

For the Petitioners : Mr. Prashant Kashyap, Advocate.
For the Respondents : Mr. Kinkar Kumar, SC-27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-07-2018

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present writ petition has filed for quashing and
setting aside the order as contained in Memo No. 92/Aa dated
10.02.2014 issued under the seal and signature of the respondent no. 3
whereby and whereunder the said respondent has restored the PDS
license of the respondent no. 6 (a PDS dealer); and for connected



reliefs.

3. Learned counsel for the petitioners refers to an earlier order of cancellation of the PDS license of the respondent no. 6 vide Memo No. 298/Aa dated 08.08.2013 (Annexure-3) in which as many as six irregularities were taken note of. The said order was quashed by this Court in C.W.J.C. No. 16984 of 2013 (Annexure-5) and the matter remanded for fresh decision. By the impugned order dated 10.02.2014 (Annexure-6) however, neither the irregularities earlier taken note of nor the complaints of the beneficiaries including the petitioners, have been taken note of while restoring the PDS license of the respondent no. 6. Representations have been filed with the signatures of more than 40 villagers objecting to the restoration of the PDS license of the respondent no. 6 (Annexure-7 series) but no action has been taken in that behalf.

4. Learned counsel for the respondents on the other hand submits that the PDS license of the respondent no. 6 had been restored in a fresh decision taken pursuant to the order of this Court, and the same suffers from no infirmity.

5. Having regard to the nature of the grievance of the petitioners, this Court is of the view that the interest of justice will be met if the Sub-Divisional Officer, Paliganj, Patna (respondent no. 3) is directed to consider and dispose of the representations



(Annexure-7 series) after issuing notice and grant of opportunity of hearing to the concerned parties including the respondent no. 6 in accordance with law expeditiously.

6. It is made clear that upon such consideration, the respondent no. 3 shall be at liberty to either reiterate the order dated 10.02.2014 (Annexure-6) or to take steps for cancellation of the licence of the respondent no. 6.

7. The writ petition stands disposed.

(Vikash Jain, J)

Md. Ibrarul/BT

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

