

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19765 of 2014

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Balkrishna Jha S/o Late Natho Jha, Ex-PDS Dealer, Village + P.S. Piri Bazar,
District-Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Lakhisarai, P.S. + District-Lakhisarai.
3. The Sub-Divisional Officer, Lakhisarai, P.S. + District-Lakhisarai.
4. The Block Development Officer, Suryagarha, P.S. Suryagarha, District Lakhisarai.
5. Kaushalaya Devi W/o Nandlal Sao, Village Balua Bazar, P.S. Suryagarha, District-Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Indu Bhushan Prasad, Advocate.

For the Respondents : Mr. Dharendra Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-10-2018

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

2. The present writ petition has been filed for
quashing the order as contained in Annexure-3 by which respondent
no. 3 has allotted license as PDS Dealer for Loshghani Panchayat in the
year 2010 though she was previous PDS Dealer of Rajpur Panchayat of
same License No. 7/91.

3. Learned counsel for the petitioner submits that the
respondents have acted illegally in renewing license of the respondent
no. 5 for Loshghani Panchayat even though the original license was



granted to her for Rajpur Panchayat. The petitioner who was a license holder for Loshghani Panchayat was denied supplies without valid reason.

4. Learned counsel for the respondents, on the other hand, submits that the petitioner has suppressed material facts in the writ petition and is not entitled to any relief. Reference is invited to the order dated 30.06.2014 (Annexure-A to the supplementary counter affidavit) passed by the S.D.O., Lakhisarai by which the license of the petitioner has been cancelled. Against such cancellation order, the petitioner has approached in appeal which has been disposed of by order dated 26.12.2016 passed by the Collector, Lakhisarai (Annexure-B to the supplementary counter affidavit). These facts have not been stated in the writ petition which have a material bearing on the merits of the matter. It is also submitted that the petitioner has approached this Court without availing statutory remedy against the order of the Collector.

5. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The petitioner has not denied that his license had been cancelled by order dated 30.06.2014 against which an appeal was preferred by him and the same stood disposed of on 26.12.2016. These material facts have not been brought on record by the petitioner but



these facts have been pointed out by the respondents in their supplementary counter affidavit. Moreover, the petitioner has alternative remedy against the order passed in appeal by the Collector, Lakhisarai which has not been availed of. If the petitioner was wrongly denied supplies in the past, no positive order in his favour can be passed in view of his license having been cancelled and as affirmed in appeal.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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