

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15846 of 2015

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Fair Price Dealers Association, East Champaran at Motihari through it's
President namely Kunal Kumar, S/O Late Shiv Patel, resident of village-
Salempur, P.O.- Jibdhara, P.S.- Pipra Kothi, East Champaran at Motihari

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, Food and Consumer Security Dept., Bihar, Patna
3. The Secretary, Food and Consumer Security Dept., Bihar, Patna
4. The Bihar State Food Commission, Secretariat Building, Patna through it's
Chairman
5. The District Magistrate, East Champaran at Motihari
6. The District Supply Officer, East Champaran at Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Kislay, Adv

For the Respondent/s : Mr. ARVIND KUMAR NO. 2- SC17

For the BSFC : Mr. Shailendra Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2018

The present writ petition has been filed for the following reliefs –

- (i) For issuance of appropriate writ or writs in the nature
of certiorari for quashing the circular dated
24.03.2015 (Annexure-1) issued under the signature
of the Under Secretary, Food and Consumer
Department calling for a list of eligible households for
holding bar coded coupons for distribution of food
articles and K. oil in the following circumstances set
forth below.



- (ii) For issuance of appropriate writ or writs in the nature of certiorari for quashing the order contained in memo no. 353 dated 04.09.2015 (Annexure-2) whereby and whereunder the order has been given to distribute the food articles and K.oil through coupon system.
- (iii) For grant of any other relief or reliefs to which the petitioner is found entitled for.

2. At the very outset it may be noted that this Court has already taken a view in judgment dated 03.04.2018 passed in CWJC No. 10989 of 2017 (Fair Price Dealers Association vs. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna) and analogous cases that the writ petition filed at the instance of the petitioner Association were not maintainable, which were dismissed with the following observations –

“Having heard the parties on the question of maintainability of the writ petitions, this Court is inclined to accept the submissions made on behalf of the intervenor respondents. It may be noted that there are conflicting and contrary statements with regard to the status of the writ petitioners in the different writ petitions. The Fair Price Dealers Federation which nominated Sri Rajeev Kumar Choudhary as a member of its National wing, appears to be a completely different entity bearing Registration No. 4081 of 2009 (Patna), from Fair Price Dealers Association, Patna (Registration No. 2525 of 1981) as evident from perusal of its letter dated 07.05.2017 (Annexure-2 to the



rejoinder in I.A. No. 7690 of 2017). The nature of relationship between such Federation and the Fair Price Dealers Association registered at Patna has not been stated. Moreover, letters of authorization in favour of the other persons who have sworn affidavits in the concerned writ petitions have also not been brought on record. It has been claimed by the petitioners that they are branches of the Association registered at Bhikna Pahari, Patna. However, it has also not satisfactorily been shown that each branch of the Association was competent to independently maintain writ petitions of the present nature, through its respective Office Bearer. It has not been shown that the Branch had issued any authorization in favour of the concerned Office Bearer to file the writ petition on its behalf, assuming for the moment that each such Branch had any independent existence.

That apart, no material has also been brought on record to satisfactorily substantiate that the Association continues to remain registered as a functional Association even after 36 years of grant of its registration in 1981, inasmuch as such continuance had been made conditional upon furnishing of requisite annual information.

This Court is of the view that if a person's fair price shop has been notified as vacant for the purpose of fresh selection, it is an individual grievance to be agitated by the aggrieved person rather than by an Association of questionable status. Only three persons have been named as having been aggrieved out of as many as a total of 196 persons said to comprise the Association. Besides this, none of the objects of the Association specifically authorize filing of writ petitions of the present nature by it. Further, the affected members have not been shown to have given their



authorisation to the Association to move this Court on their behalf.”

3. The present writ petition is also dismissed in line with the judgment dated 03.04.2018 passed in CWJC No. 10989 of 2017 (Fair Price Dealers Association vs. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna) and analogous cases.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.08.2018
Transmission Date	NA

