

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17158 of 2016

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Tajpur Primary Agriculture Credit Cooperative Society Ltd. Block- Manjhi,
P.S.- Manjhi, District- Saran at Chapra through its Chairman, Surendra Kumar
Singh, S/o Late Ram Naresh Singh, Resident of Village- Tajpur, P.O.-
Phulwariya Tajpur, P.S.- Manjhi, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Saran at Chapra.
2. The Collector-cum-District Magistrate, Saran at Chapra.
3. The Sub Divisional Officer, Sadar, Chapra.
4. The Block Supply Officer, Manjhi, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 27-07-2018

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

2. Petitioner challenges the order bearing Memo No. 892
dated 30.08.2016 (Annexure-4) issued by the Sub-Divisional
Officer, Sadar Chapra (Respondent No. 3) cancelling the licence of
the petitioner bearing No. 86/2007 on the ground that the licence
was not renewed within time and even late renewal was not sought
with late fee, as provided under the provisions of PDS Control
Orders.

3. Learned counsel for the petitioner submits that the
PDS licence was not given to an individual but to a Cooperative
Society/PACS and due to laches on the part of the earlier



Managing Committee the said licence fee was not deposited within time nor renewed with late fee. The present Chairman has only joined the PACS in March, 2015 and has already deposited the late fee along with the renewal application, as such, prayed that the PDS licence be directed to continue.

4. Learned counsel for the State, however, submits that the licence of the petitioner was effective till 31st of December, 2012 and fee for renewal of licence was deposited after a long delay of about four years as also the PDS shop was running without licence.

5. The issue at hand is no longer *res integra*, as it has been decided by this Court in C.W.J.C. No. 11278 of 2016 vide order dated 28.01.2017 that if licence to the Cooperative Society/ PACS is not renewed then the beneficiaries attached to the concerned village would suffer at large and on ex debito justitiae, allowed the petitioner to be considered for renewal of licence accepting the late fee.

6. Since the petitioner has already deposited renewal application with late fee, the order bearing Memo No. 892 dated 30.08.2016 (Annexure-4) is quashed. Let the licence of the concerned PACS be renewed and supplies be



restored. However, this order would not be treated as a
precedence.

7. The writ application is allowed.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2018
Transmission Date	NA

