

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8282 of 2014

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Smt. Kiran Devi wife of Sunil Yadav, resident of Araria, R.S Ward no. 1, P.S-
Araria, Distt- Araria.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Food and Consumer Protection
Department, Old Secretariat, Patna.
2. The Collector - com- District Magistrate, Araria, District- Araria.
3. The Sub- Divisional Officer, Araria, District- Araria.

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Prabhat Ranjan, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2018

The present writ petition has been filed for the following

reliefs –

“(i) For quashing the order under appeal dated 12.02.2008 in Distt. Appeal No. 125 of 2007-2008 passed by the District Magistrate, Araria (Annexure-1) whereby and whereunder the petitioner challenged under appeal for the cancellation of his licence dated 07.09.2006 as a licence no. 38A of 2006) and may restore the licence of the petitioner.

(ii) For quashing the order dated 20.12.2007 passed by the S.D.O. Araria (Annexure-2) whereby and whereunder S.D.O., Araria has cancelled the licence of the petitioner under the Bihar Trade Articles (Licenses Unification) Order, 1984, Section 4 of the order deals with the issuance of licence to the Public Distribution System Dealers. The Licensing authority as per Sub-Clause (1) of Section 2 of the order has



been defined as a person and below the rank of the Sub-Divisional Officer appointed by State Government.

(iii) For holding Annexures- 1 and 2 dated 12.02.2008 and 2012.2007 passed by the District Magistrate and S.D.O., Araria are illegal arbitrary and without jurisdiction.

(iv) For any other relief or reliefs for which the petitioner is entitled in the eye of law.”

2. None appears on behalf of the petitioner despite repeated calls.

3. A perusal of the averments in the writ petition discloses that the main grievance of the petitioner is that her PDS license was cancelled in absence of approval of the District Selection Committee which was not a requirement as the PDS license was issued to the petitioner under the Bihar Trade Articles (Licenses Unification) Order, 1984 as held by this Court in LPA No. 292 of 2013 (The State of Bihar and Ors. Vs. Ravi Shankar Mishra).

4. Learned counsel for the respondents appears and opposes the writ petition, *inter alia*, submitting that the petitioner has approached this Court after inordinate delay. Moreover, no ground has been shown in the writ petition for challenging the impugned appellate order whatsoever.

5. Having heard learned counsel for the respondents and having considered the materials on record, this Court is of the view that the petitioner has not acted with due diligence and there is



considerable delay and laches on the part of the petitioner. The impugned order of cancellation was passed in the year 2007 against which the appeal was disposed of in the year 2008 and the petitioner has approached this Court as late as in the year 2014. Moreover, the appeal of the petitioner has been remanded with the observation that the petitioner may be granted license upon fulfilling all the conditions and after detailed spot verification.

6. In the circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

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