

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2293 of 2015

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Ganesh Jha, Son of Late Nand Kishor Jha, Resident of Village-Jhakhargarh, P. O. Surpatganj, P.S. - Chatapur, District - Supaul.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Supaul, District - Supaul.
3. The Sub-Divisional Officer- Cum- Licensing Authority, Triveniganj, District - Supaul.
4. Sri Bineshwari Singh, Chairman, Primary Agriculture Cooperative Society (PACS), Jhakhargarh Panchayat, Son of Late Musharu Singh, Resident of Village - Jhakhargarh, P.O- Surpatganj, P.S- Chatapur, District - Supaul.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. Sunil Kr. Mandal, SC 3

Mr. Arjun Prasad, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-08-2018

Heard learned counsel for the petitioner as well as

learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents to stop functioning of Primary Agriculture Co-operative Society (PACS), Jhakhargarh Panchayat of Chatapur Block in the district of Supaul as a Public Distribution System licensee which is granted in the light of Public Distribution System (Control) Amendment Order, 2011 issued by the State Government vide Memo No. 5738 dated 23.06.2011; and further to



direct the licensing authority to cancel the P.D.S. licence of above mentioned PACS.

3. Learned counsel for the petitioner submits that PDS licence issued to respondent no. 4 is liable to be cancelled in view of paragraph 3 of the Public Distribution System (Control) Amendment Order, 2011 having been set aside by this Court which has been confirmed by the Apex Court. Representations in this regard have already been filed on 22.12.2014 before the Sub-Divisional Officer (respondent no. 3) which remain pending.

4. Learned counsel for the respondents appears.

5. Having regard to the nature of the grievance of the petitioner, this Court is of the view that the ends of justice will be met if the Sub-Divisional Officer is directed to consider and dispose of the petitioner's representation said to have been filed on 22.12.2014 (part of Annexure-7 series), if the same is still pending before him, after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of eight weeks from the date of receipt/production of a copy of this judgment.

6. Ordered accordingly.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	NAFR
Uploading Date	10.08.2018
Transmission Date	N.A.

