

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9800 of 2015

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Dhananjay Kumar Singh son of Ram Pratap Singh resident of village - Bahira,
post office - Lohchi, Police Station - Haveli Kharagpur, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
4. The Collector, Munger.
5. The Sub Divisional Officer-cum-Licensing Authority, Haveli Kharagpur,
Munger.
6. The District Supply Officer, Munger.
7. The Special Officer, Rationing, Munger.
8. The District Marketing Officer, Food and Consumer Protection Department,
Haveli Kharagpur, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Adv
Mr. Amrendra Kumar ,Adv

For the Respondent/s : Mr. Manoj Kumar Sinha, AC to GA 9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-10-2018

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

- (i) *The respondent Sub Divisional Officer-cum-Licensing Authority be directed to restore the status of the petitioner as before the order impugned dated 30.09.2006 passed by the Sub Divisional Officer-cum-Licensing Authority, Haveli Kharagpur, Munger deleting the name of the petitioner from the original licence in view of the order impugned being set aside by this Hon'ble Court;*
- (ii) *Order dated 08.02.2012 passed by the learned Sub Divisional Officer, Haveli Kharagpur, Munger in connection*



with Miscellaneous Case No. 2/10 registered during the pendency of the contempt application be declared as in conflict with the direction of this Hon'ble High Court as given in CWJC No. 14349 of 2006 and accordingly be set aside for the ends of justice;

- (iii) The respondent-State be directed to take stern action against the respondent Sub Divisional Officer-cum-Licensing Authority, Haveli Kharagpur, Munger who acted with all deliberate intention in not implementing the order passed by this Hon'ble High Court in CWJC No. 14349 of 2006;*
- (iv) The respondent concerned be directed to recompense the petitioner for his suffering aforesaid by adjusting the petitioner in terms of grant of licence to him even in taking necessary steps under the provisions of the PDS Control Order, 2001 became workable in the state of Bihar with effect from 20.02.2007;*
- (v) The erring respondent, the then Sub Divisional Officer-cum-Licensing Authority, Haveli Kharagpur, be sternly for his, misdeed, misdemeanor, and act of defiance and accordingly punitive action be taken against the said respondent;*
- (vi) The respondents be directed to grant all the consequential benefits to the petitioner for which he is found legally entitled to;*
- (vii) Any other relief or reliefs be granted to the petitioner for which he is legally entitled.*

2. Learned counsel submits that the petitioner had made a claim for addition of his name in the licence standing in the name of Hira Das (now deceased) in terms of earlier orders of this Court dated 28.10.2009 passed in CWJC No. 14349 of 2006 (Mithlesh Kumar Singh and another vs. The State of Bihar and Ors.). It transpires that a contempt petition was also thereafter



filed in MJC No. 4845 of 2010 which was disposed of by order dated 17.10.2012 (Annexure-8) on the statement of the opposite parties that the mistake committed by them in passing the fresh order on 08.02.2012 was not deliberate. The petitioner has now impugned the said order dated 08.02.2012 seeking that the same be set aside, without, however, enclosing a copy of the said order in the writ petition and hence the prayer in this regard cannot be allowed. If the petitioner was aggrieved by the fact that the order dated 08.02.2012 had not been recalled by the respondents despite the observation made in MJC No. 4845 of 2010, the petitioner might have moved this Court for revival of the contempt matter, which however, was not done and instead the instant fresh writ petition has been filed.

3. The remaining reliefs sought are general in nature.

4. In the main body of para 1 of the writ petition, the prayer is for a direction to grant Public Distribution System shop licence to the petitioner against the vacancy at roster point 121 meant for “unreserved” within Bahira Panchayat of Munger District. It is submitted that the petitioner had applied for fresh PDS licence pursuant to advertisement (Annexure-9). Learned counsel for the respondents points out that a Division Bench of this Court in its judgment dated 14.12.2016 passed in CWJC No. 4453 of 2016 (Hanuman Prasad vs. The Union of India and Ors.) has directed that licenses for implementing the Public Distribution System shall be issued in terms of Control Order published on 10.03.2016 and in accordance with law.

5. In the above view of the matter, the writ petition is disposed of with a direction to the respondents to consider and dispose of the



petitioner’s application for fresh grant of PDS licence, if still pending, in accordance with law.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2018
Transmission Date	NA

