

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10719 of 2017

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Gulab Choudhary, Son of Late Ram Swarath Choudhary, Resident of Village-
Chilmmilia, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer-Cum- Licensing Authority, Jainagar, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date : 07-08-2018

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

2. Petitioner seeks quashing of order bearing Memo No.
231 dated 06.07.2017, Annexure-5 by which the application for
renewal of PDS licence of the petitioner has been rejected.

3. Petitioner was a PDS dealer being Licence No. 2/1991.
In the year 2001, he was elected as Mukhiya of Damu Gram
Panchayat. Thereafter his wife was also elected as Mukhiya of the
same Gram Panchayat in the year 2006. Licence had been renewed
for the year 2001-02. As per the Control Order and letter No. 5107
dated 06.12.2001 when either the PDS licence holder or his family
gets elected as Mukhiya, Surpanch or Ward Member, the licence
would be cancelled with immediate effect. Petitioner and his wife



after fulfilling the term as Mukhiya applied for renewal of his licence along with challan on 25.11.2011. Again in the year 2013 vide Annexure-8 the petitioner represented before the authorities but his renewal of licence has been rejected by the impugned order dated 06.07.2017 on the ground that Section 13(2) of the Bihar Targeted Public Distribution System (Control) Order, 2016 postulates that the renewal fee along with delay fee had to be filed by the licensee within a period of one month after the expiry date and the licence would be renewed within a maximum period of eight months. Since the period of 8 months has already expired as the petitioner had filed challan on 21.07.2015, as is evident from the impugned order, his candidature was rejected.

4. Learned counsel for the petitioner submits that his application was filed well within time i.e. on 25.11.2011 and challan was also deposited along with the said representation on 25.11.2011 but the Licensing Authority has arbitrarily found that the challan was not deposited within a period of one month or a maximum period of 8 months when the challan was already deposited by the petitioner along with his representation before Licensing Authority on 25.11.2011.

5. Learned counsel for the State, however, submits that the challan was deposited by the petitioner on 21.07.2015, as such,



in view of Section 13(2) of the Control Order, 2016 his licence has already been rejected being time barred.

6. After hearing the parties, this Court is of the opinion that such disputed questions cannot be adjudicated in writ jurisdiction. Petitioner has his remedy before the another forum which he prefers to choose.

7. Writ application is dismissed.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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