

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23506 of 2018

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1. Narayan Tiwari S/o Late Kashi Nath Tiwari R/o Village-Chandawa,P.S. Nawada, Ara,Distt.-Bhojpur
 2. Rajnikant Rajak S/o Rajo Ram Rjak Resident of Village-Bhojpur,Sinhaghat P.S.Barahara, Distt.-Bhojpur, Ara

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Deptt, Govt. of Bihar, Old Secretariat, Patna
2. The District Magistrate, Bhojpur
3. The Sub-Divisional Officer, Sadar, Ara

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 07-01-2019

The defect is ignored and the matter is taken up for consideration.

Mr. Awadhesh Kumar Mishra, learned Counsel appears for the petitioners and Mr. Alok Ranjan, learned AC to AAG 5 appears for the State.

This writ petition filed in public interest questions a notice pasted on the wall of the office of the Sub-Divisional Officer, Sadar, Arrah, whereby the applications have been invited for allotment of licenses under the Public Distribution System.

According to Mr. Mishra, the notice is not in tune with the statutory provisions regulating allotment of licence.



In our opinion, whether or not the notice is in tune with the statutory provisions, any cause of action can only arise if the allotment of licence is made to any dealer contrary to the statutory provisions. Until such time that the authority competent under the Public Distribution Order or the statutes governing such allotment acts contrary to stipulation, the petitioners can not have any grievance and in the circumstances discussed, we also are not persuaded to interfere with the notice in question at this stage. Having observed thus, we dispose of the writ petition reserving liberty for the petitioner to approach the appropriate authority to question any allotment so made, in case it is found contrary to the statutory conditions and/or it is contrary to any judicial pronouncement of this Court.

With the observations above and with liberty so granted, the writ petition is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2019
Transmission Date	NA

