

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.874 of 2020

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Md. Moidur Rahman @ Moidur Rahman @ Motiur Rahman, son of Md. Azizul Haque, resident of Vill.- Pokhariya Tola, P.S.- Phenhara, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Civil Supply Department Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The Additional Collector, East Champaran at Motihari.
5. The Sub Divisional Officer, Motihari, Dist.- East Champaran.
6. The District Supply Officer, Motihari, Dist.- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-01-2020 The petitioner has challenged the order dated 23.03.2011 passed by the Sub-Divisional Officer, Pakridayal in the District of East Champaran whereby the license of the petitioner to run the PDS shop has been cancelled.

The grievance of the petitioner is that since this order was a fallout of an F.I.R lodged against the petitioner, his license could only have been suspended and not cancelled.



This Court is not inclined to entertain this petition for several reasons but primarily on the ground that against the order of 23.03.2011, no appeal was preferred by the petitioner, which provision was available to him at that time and that otherwise also, this litigation would fetch no positive result to the petitioner. Even if the order of the Sub-Divisional Officer/Licensing Authority is modified and the cancellation order is substituted by the order of suspension of license, that would not give any right to the petitioner to have the resumption of the supply of the controlled items for running the shop as he would be required to have his license renewed under the Bihar Targeted Public Distribution System (Control) Order, 2016. For that also, a time schedule of six months has been provided in the Bihar Targeted Public Distribution System (Control) Order, 2016.

Since this litigation is not going to fetch any result, no purpose would be served in exercising the



jurisdiction under Article 226 of the Constitution of India.

However, since the petitioner claims that in the criminal case, which was the basis for cancellation of his license, an acquittal has been recorded, this Court can only observe that petitioner may approach the authorities and seek his claim for grant of license under the new rules which shall be considered on its own merits in the correct perspective.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

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