

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7387 of 2019

=====

PACS, Bhakura Panchayat Block- Tarari, District- Bhojpur (Bihar) through its President Surendra Kumar Pandey, age -63 years (Male), S/o Late Raghubansh Pandey, R/o Village- Parariya, Post and Panchayat- Bhakura, P.S. and Anchal- Tarari, District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Divisional Commissioner Patna Division, Patna.
3. The District Magistrate Bhojpur at Ara.
4. The Sub- Divisional Officer Piro, Bhojpur, Ara.
5. The Asst. District Supply Officer Piro, Bhojpur at Ara.
6. The Block Supply Officer Tarari, Bhojpur, Ara.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Adv. Mr. Piyush Saurav, Adv.
For the Respondent/s	:	Mr. Alok Ranjan, A.C. to AAG 5

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-01-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has filed the instant application for quashing the order dated 29.10.2018 whereby the petitioner's fair price shop licence bearing no.71 of 2016 was cancelled by Sub Divisional Officer-cum-Licensing Authority, Piro, Bhojpur and for other reliefs.

It is submitted by learned counsel for the petitioner that a counter affidavit has been filed on behalf of the



respondent nos. 3 to 6. Paragraph nos. 17 to 21 of the said counter affidavit is quoted hereinbelow for ready reference:

“17. That it is relevant to mention here that the ‘Aam Sabha’ of Bhakura PACS, village- Padriya, Panchayat- Bhakura, Block- Tarari, Bhojpur was held on 30.12.2019 in which its President, who has filed the instant writ petition on behalf of PACS, Bhakura Panchayat. Agenda No. (iv) states that the president has said that a case is pending before the Hon’ble Court with respect to PDS shop. Due to this the food grains could not be lifted. Thus, unanimously decided that till decision of the instant case, Smt. Sunita Devi, who is member of the Executive Committee and PACS Secretary be authorized to lift the food grains and Kerosene oil and in this regard the Sub Divisional Officer, Piro, Bhojpur may be requested.

A photocopy of the minutes dated 30.12.2019 is annexed herewith and marked as Annexure- B to this counter affidavit.

18. That accordingly, Smt. Sunita Devi submitted an application before the Sub Divisional Officer, Piro, Bhojpur on 06.01.2020 with a request to allow her



regarding operation of the said PDS shop.

A photocopy of the application dated 06.01.2020 is annexed herewith and marked as Annexure- C to this counter affidavit.

19. That considering the entire matter, the licensing authority has allowed Smt. Sunita Devi to operate the said PDS shop in place of Sri Surendra Kumar Pandey who has filed the instant writ petition in the light of decision taken on 30.12.2019 by the PACS, Bhakura Panchayat vide memo no. 91 dated 04.02.2020.

A photocopy of the memo no. 91 dated 04.02.2020 is annexed herewith and marked as Annexure- D to this counter affidavit.

20. That it is important to mention herein that Smt. Sunita Devi is daughter-in-law of Sri Surendra Kumar Pandey, President of PACS, Bhakura Panchayat Smt. Sunita Devi is operating the said PDS shop.

21. That it is submitted that the instant writ application has become infructuous as the PDS shop has been restored to the PACS and Smt. Sunita Devi is operator of the said PDS shop.”

In view of the above, learned counsel for the



petitioner submits that the application has become infructuous and he seeks permission to withdraw the same.

Having heard learned counsel for the parties and in view of the submissions made on behalf of the learned counsel for the petitioner, the application is disposed of as withdrawn.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

