

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18573 of 2019

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Raja Ram Bharti Son of Late Yogendra Bharti Resident of Village- Panapur,
P.S. Rajopur, District- East Champaran (Motihari).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Govt of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supply, Govt of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Sub Divisional Officer, Pakari Dayal, District- East Champaran.
5. The District Supply Officer, Motihari, East Champaran.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Sinha, Advocate
For the Respondents	:	Mr. S. Raza Ahmad (AAG-5)
		Mr. Alok Ranjan, Adv. (AC to AAG-5)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 01-12-2021 The petitioner was issued a fair price license in 1988 for running P.D.S. shop for village Narayanpur Panapur in the district of East Champaran. It is not in dispute that the term of the said licence expired with lapse of time. The licence could be renewed had the petitioner made an application for renewal within stipulated time. Admittedly, the petitioner did not take any steps for renewal by making payment of renewal fee etc..

It has been asserted in the writ petition that the petitioner could not apply for renewal because of his illness



since 2003. It is stated in the writ petition that the petitioner recovered in the year 2007.

The petitioner's request for renewal has been rejected by an order dated 21.09.2016 passed by the Sub-Divisional Officer, Pakari Dayal, East Champaran. The petitioner had approached this Court by filing a writ application giving rise to CWJC No. 19860 of 2016, challenging the said order dated 21.09.2016, which was disposed of with a liberty to prefer appeal before the Appellate Authority. The Appellate Authority i.e. the District Magistrate, East Champaran has rejected the petitioner's appeal by an order dated 21.06.2019 passed in Appeal Case No. 200 of 2017. The aforesaid orders dated 21.09.2016 and 21.06.2019 are being assailed in the present writ application.

Learned counsel appearing on behalf of the petitioner has argued that the respondents ought to have considered the petitioner's case sympathetically in the wake of undisputed case made out before the Authorities in relation to his illness.

Learned counsel representing the State of Bihar has submitted that as there is no dispute regarding failure on the part of the petitioner to apply for renewal, the petitioner cannot claim by way of right, renewal of the licence. In support of his



contention, he has relied on a Division Bench decision of this Court in case of *Md. Noman Vs. State of Bihar and Ors.* reported in **2019 (1) BLJ 526**.

On perusal of the pleadings of record and submissions advanced on behalf of the parties, we are satisfied that there is no legal infirmity in the impugned orders passed by the Sub-Divisional Officer-cum-Licensing Authority and the Appellate Authority.

Learned counsel for the State has rightly relied on the said Division Bench decision in case of *Md. Noman (supra)*, paragraph-7 of which reads as under :-

“7. Having considered the submissions raised, there is no doubt that the grant of license stipulates a period which is five years. This, admittedly, did expire on 31st of March, 2015. The provision of renewal is optional. It is for the party concerned to get the license renewed or otherwise. The licensee cannot be permitted to operate the license beyond the period which is contemplated in the original license itself. The provision of renewal has been made in order to extend the validity of the license beyond the period which is prescribed in the original license itself. Consequently, the period of one



month is provided for the purpose of facilitating renewal and not for extending the tenure of the original license. The submission, therefore, raised by the learned counsel for the appellant that the period of one month, which is meant for applying for renewal, should be construed as the period of validity of license is unacceptable.”

Considering the aforesaid submissions advanced on behalf of the parties, in our opinion, this writ petition has no merit and stands dismissed accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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