

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1216 of 2022

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Saheb Sharma S/o Late Asharfi Sharma, R/o Bhorkath, P.O. - Kolwara, P.S. -
Pasraha, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply
Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply, Government of Bihar,
Patna.
3. The District Magistrate, Khagaria.
4. The District Supply Officer, Khagaria.
5. The Sub-Divisional Officer, Gogri, District - Khagaria.
6. The Block Development Officer, Parbatta, District - Khagaria.
7. The Block Supply Officer, Parbatta, District - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar
For the Respondent/s	:	Mr. S. Raza Ahmad (Aag5)
		Mr. Anisul Hauque

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 24-02-2022

Heard Mr. Amrendra Kumar, learned Advocate

for the petitioner and Mr. Anisul Haque for the State.

The petitioner is a licensee of the preceding
Control Order. His licence was cancelled in the year 2009,
against which an appeal was filed before the District



Magistrate, Khagaria vide Supply Appeal No.21 of 2009-10.

The grievance of the petitioner is that the appeal has not been disposed of in twelve years.

We find that this writ petition has been filed on 24.01.2022, i.e., after eleven years of the cancellation of the licence of the petitioner and after practically ten years of filing of the appeal before the concerned District Magistrate.

Rule 13 of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the renewal of licence issued under the previous Control Orders. Clause (b) of Rule 13 provides that the licences issued under the provisions of previous Order, 2001 shall be deemed valid under the Order, and the licensee having such kind of licences shall have to get their licences converted under the provisions of this Order within six months from the date of its commencement by paying Rs.1000 (one thousand) as licence fee through treasury challan. The



licence is renewed for a period of five years. Clause (c) of Rule 13 further specifies that a licence shall not be renewed during its suspension period, but it shall be renewed after vacation of suspension after getting licence fee in one installment. However, this requirement is with respect to renewal of licence under the present Order of 2016.

Since the licence of the petitioner was suspended much prior to the coming of 2016 Order, it is a foregone conclusion that the petitioner would not have got his licence converted under the present Control Order of 2016.

We also find it rather peculiar that the petitioner has waited for twelve long years to approach this Court in the event of his appeal not having been disposed of all this while. The claim of the petitioner appears to be absolutely stale. Even assuming that the petitioner would succeed in appeal, there is no way in which his licence could be renewed under the new Control Order of 2016. If the



petitioner was interested in preserving his licence, he should have approached the concerned authorities much before. There is a provision under the Control Order of 2016 that if an appeal is not disposed of within sixty days, the licensee could move the revisional authority under Rule 32 Clause (vi).

There is thus no reason for us to interfere in the aforesaid proceeding.

The claim of the petitioner is stale.

The petition is dismissed, but without any costs.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2022
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