

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2074 of 2022

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Leelavati Devi Wife of Hridaya Prasad Resident of Village - Line Bazar,
Gram Panchayat - Line Bazar, Block - Hathua, Sub Division - Hathua, P.S. -
Line Bazar, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate, Gopalganj.
5. The Sub Divisional Officer, Hathua, District- Gopalganj.
6. The Block Supply Officer, Block - Hathua, District- Gopalganj.
7. The District Selection Committee, District - Gopalganj, through the District Magistrate, Gopalganj.
8. Niraj Kumar (License No. - 04/2020, Ward No. -5), Resident of Village - Badkagaon, Gram Panchayat- Line Bazar, Block - Hathua, Sub Division - Hathua, P.S. - Line Bazar, District- Gopalganj.
9. Mansa Devi (License No. - 08/2020, Ward No. -4), Resident of Village - Badkagaon, Gram Panchayat- Line Bazar, Block - Hathua, Sub Division - Hathua, P.S. - Line Bazar, District- Gopalganj.
10. Nathuni Prasad (License No. - 15/2020, Ward No. - 3), Resident of Village - Badkagaon, Gram Panchayat- Line Bazar, Block - Hathua, Sub Division - Hathua, P.S. - Line Bazar, District- Gopalganj.
11. Upendra Yadav (License No. - 10/2020, Ward No. - 7), Resident of Village - Badkagaon, Gram Panchayat- Line Bazar, Block - Hathua, Sub Division - Hathua, P.S. - Line Bazar, District- Gopalganj.
12. Suman Devi (License - Granted, Number not allotted Ward No. - 3), Resident of Village - Badkagaon, Gram Panchayat- Line Bazar, Block - Hathua, Sub Division - Hathua, P.S. - Line Bazar, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER



(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 25-02-2022 Heard Mr. Sanjay Kumar Pandey No.5, learned Advocate for the petitioner and the learned counsel for the State.

The petitioner, one of the PDS licensees, is aggrieved by the grant of licence in the Gram Panchayat, Line Bazar to many more persons, which is beyond the requirement vis-a-vis the population of the aforesaid Gram Panchayat.

Learned counsel for the petitioner has submitted that there are six vacancies notified in the aforesaid Gram Panchayat, but that also is not in consonance with the circular of the government in the Department of Food and Civil Supplies with respect to the number of licensees per thousand people. According to the information of the petitioner, four licensees including the petitioner were already serving the consumers tagged to their respective shops, but the concerned authorities have granted licence to five new



persons, which in fact has caused a complete surfeit in the number of PDS shops with practically negligible number of targeted consumers. This innures neither for the benefit of the licensees nor for the consumers. There is no reason why, it has been urged, such large number of licences be issued by the respondent authorities.

In the aforesaid circumstances, the petitioner has prayed for relocating or shifting of some of the licensees who have been impleaded as party respondents in this writ petition to other Gram Panchayat or to other vacant positions or in the alternative to cancel the licence of the new persons.

We are afraid the aforesaid prayer of the petitioner cannot be adjudicated and decided in this writ petition.

All that we can observe is that if the petitioner makes a suitable representation before the District Magistrate, Gopalganj and impresses upon him that something ought to be done in that regard, namely



reduction of the number of licensees in the same Gram Panchayat, he shall look into the matter, verify the requirements and seek direction from the Department of Food and Civil Supplies for the needful. The representation/application of the petitioner shall be disposed of by a reasoned order either rejecting his application or allowing the same or intimating to him any sequel action in that regard. The concerned respondent is expected to advert to the aforesaid representation without any unnecessary delay.

With the aforesaid direction/observation, the petition stands disposed of.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

Sanjay/-

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