

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8160 of 2022**

Kenar Paharpur PACS through its President Dhirendra Kumar Verma, aged about 43 years, Gender - Male, S/o Shree Ram Bharat Prasad Verma, Resident of Village - Kenar Dih, P.S. - Paharpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, Patna.
2. The Collector Gaya.
3. The District Supply Officer, Gaya.
4. The District Co-operative Officer, Gaya.
5. The Sub-Divisional Officer, Sadar, Gaya.
6. The Block Development Officer, Manpur, Gaya.
7. The Block Development Officer, Belaganj, Gaya.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Anand, Advocate  
For the Respondent/s : Mr. Sushil Kumar (SC 22)

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**  
**HONOURABLE MR. JUSTICE NAWNEET KUMAR**  
**PANDEY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

**Date : 17-11-2022**

Heard Mr. Vjay Anand, learned Advocate for the petitioner and Mr. Uday Prasad, learned counsel for the State.

The petitioner is Primary Agricultural Cooperative Society (PACS) through its Chairman, namely, Dhirendra Kumar Verma, who is aggrieved by the fact that despite his being elected as Chairman of the PACS and the



governing body of the PACS having ratified the decision that the new President of the PACS shall take up the work of the licensee, which in this case is the PACS itself as an Institution, no order has been passed by the Licensing Authority.

It appears from the record that on complaint against the erstwhile PACS Chairman, who was acting as a licensee, an inspection was made by a team of Block Development Officer and Block Supply Officer, in which certain irregularities were found. Because of a negative report by the Committee, a criminal case, vide Wazirganj P. S. Case 301 of 2017, was lodged against the PACS as a licensee. On notice having been served upon the PACS for explaining the charge, reply was submitted but it was not to the satisfaction of the Licensing Authority, leading to an order cancelling the licence of the PACS.

The Bihar Targeted Public Distribution System (Control) Order, 2016 gives priority to the Cooperative Societies and self-help groups in matters of allotment of



fair price shops. Keeping in mind the afore-noted mandate of the Control Order, 2016, Kenar Paharpur PACS was granted the licence. Since the predecessor of the present PACS Chairman had been discharging his duties as the licensee on behalf of the PACS and was found to be faltering in discharge of his duties and was also made an accused in a criminal case, the Licensing Authority thought it fit to cancel the licence, being dissatisfied with the explanation offered. After the election of the present PACS Chairman and a decision of the governing body which resolved that the newly-elected Chairman of the PACS would represent the PACS as the licence was institutional, an application was made by the present PACS Chairman to the Licensing Authority to restore the supply of food-grains and other articles to be distributed amongst the beneficiaries. Because of some confusion in the matter as to whether the PACS would be required to apply for fresh licence or if the licence has been cancelled, whether it could be appealed against by the new Chairman of the



PACS, the Licensing Authority sought a direction from the District Co-operative Officer in the matter. By a communication dated 22.04.2022, the District Co-operative Officer, Gaya responded to the Licensing Authority/Sub-divisional Officer, Gaya that in this case, since there has been a grant of licence to the Institution as such and because of the faulty functioning of the shop at the instance of the erstwhile Chairman of the PACS which resulted in cancellation of licence, with the election of a new Chairman of the PACS, it could be considered by the Licensing Authority to resume the supply line, so that the beneficiaries are not put to any difficulty. Notwithstanding such communication, no decision has been taken by the Licensing Authority.

It is expected that the Licensing Authority shall advert to the afore-noted correspondence and the direction in that regard and shall take a decision whether the licence to the PACS be not restored and the supply line resumed for the benefit of the consumers as now another person



has taken over as a Chairman of the said PACS. In case, the request made by the present Chairman of the PACS is not accepted by the Licensing Authority, which he shall communicate by a written order, the present Chairman of the PACS could agitate against such decision of the Licensing Authority before an appropriate forum, if so advised.

It is expected that a decision by the Licensing Authority shall be taken in that regard within a period of 60 days from the date of receipt/production of a copy of this order.

The application stands allowed to the extent indicated above.

**(Ashutosh Kumar, J)**

**(Nawneet Kumar Pandey, J)**

HR/Mahesh

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