

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8454 of 2022

Sanjay Kumar Singh Son of Late Alakh Dev Singh Resident of Village-
Devkali P.S.-Obra, District-Aurangabad. (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Sub-Divisional Officer, Daudnagar, Aurangabad.
4. The Block Supply Officer, Obra, Daudnagar, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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 the learned Advocate for the petitioner
and the State.

Though the petitioner has come up with a
peculiar plea that he could know about the cancellation



of his licence only after receiving a notice dated 09.04.2016, asking him to provide information with respect to his challenge to the order of cancellation and in case it has been challenged in appeal, the details of such case.

Such notice pre-supposes that the licence of the petitioner was in suspension since 2016.

On further query by the Bench, the learned counsel for the petitioner submitted that when the supply line of food-grains and other articles to be distributed amongst the beneficiaries was stopped, the petitioner tried to seek information as to the reason for the same when he was told that he had not renewed his licence.

That was the time when he must have learnt that his licence has been cancelled.

That it cannot be gainsaid that one of the first requirements before passing such order is that the



licensee has to be noticed about such proceeding and his explanation has to be called for and adverted to before any decision is taken, but in the present case, we find that there is an inordinate delay in approaching the Court, which literally extinguishes the claim/case of the petitioner. There is nothing which can be done in this matter for the extreme laxity on the part of the petitioner in pursuing his remedy. Down the road in six years, many developments may have taken place including changes in the administration of the Public Distribution System Scheme. One of the mandates of the Bihar Targeted Public Distribution System (Control) Order, 2016, which governs grant of licences and running of PDS shops is that the process of grant of licence should be continuous, which would be for the benefit of the targeted beneficiaries. Some other person in the meanwhile therefore would have surely been granted licence.



This issue therefore cannot remain alive for such a long period and that also for the laches on the part of the petitioner.

We find no reason to go any further in the matter. It would only be appropriate that this matter is consigned.

The petition is dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

HR/-Mahesh

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