

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12863 of 2021

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Rajeshwar Prasad @ Rajeshwar Prasad Agrawal Son of Late Sheo Nath Prasad, Resident of Nabi Nagar, P.S. - Nabinagar, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 07-01-2022

Petitioner has prayed for the following relief(s):

“1. That this is an application for issuance of appropriate writ order or or direction directing the Respondents to to renew PDS license No. 73/MN of 85 of of the petitioner for his P.D.S. shop situated at Sanichar Bazar Nabinagar in ward No. 9 under Nagar Panchayat Nabinagar in the District of Aurangabad



for which the petitioner has fled application and deposited required fee by Challan which has been accepted by by the Respondents but the P.D.S. licence of the petitioner is not being renewed and no reason is being assigned in this regard and as such the action of the Respondents is not permissible in law and thus vitiated.”

It is the petitioner’s contention that payment for renewal of licence by way of challan stands accepted. Amount deposited in the Treasury i.e. challan is on record. Mere deposit of amount may or may not ensue any right upon the petitioner for renewal has to be strictly in accordance with P.D.S. Control Order.

As such, petition is disposed with a direction to Respondent No.3, namely The Sub-Divisional Officer, Aurangabad, to positively consider and decide the petitioner’s application for renewal of the P.D.S. Depot within a period of three months from the date of production of a copy of this order.

Needless to add, the application has to be decided on its own merits, uninfluenced by any observation made by this Court, after compliance of the principles of natural justice,

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance



with law.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.01.2022
Transmission Date	

