

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3907 of 2021

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Sri Keshwar Giri, Son of Late Ramwakil Giri, Resident of House No. 309,
Village-Pokhara Tola, Shariya Mathiya, P.S. Maharajganj, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Siwan.
3. The Sub. Divisional Officer, Maharajganj, District-Siwan.
4. The Block Marketing Officer, Maharajganj, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate Mr. Ramadhar Shekhar, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 21-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

2. The petitioner has a PDS licence bearing No. 15/95 in Balia Panchayat. Prior to creation of Balia Panchayat there was one Balia-Pokhara Gram Panchayat. It is the petitioner's case that the said Balia-Pokhara Panchayat has bifurcated into two Panchayats, namely, Balia Panchayat and Pokhara Panchayat. The petitioner has filed the present writ application



seeking a direction to the respondents to transfer/ shift the PDS shop of the petitioner from Balia Panchayat to Pokhara Panchayat.

3. Mr. Prashant Sinha, learned counsel appearing on behalf of the petitioner has submitted that way back on 25.02.2013, the Marketing Officer, Maharajganj had submitted a report to the Sub-Divisional officer, Maharajganj recommending transfer of the petitioner's shop to Pokhara Panchayat.

4. Learned counsel for the petitioner has failed to demonstrate any right accrued to the petitioner requiring this Court to enforce the same by issuance of any writ of mandamus. Further, learned counsel for the petitioner has not be able to demonstrate from Bihar Targeted Public Distribution System (Control) Order, 2016 containing any provision for transfer of PDS shop from one Panchayat to another. He has simply submitted that in the light of the report of the Marketing Officer dated 25.02.2013 and representations made by the residents of the Panchayat, his case should be considered by the Licensing Authority for transfer.

5. This writ application was filed in February 2021. It is the petitioner's case that recommendation for shifting was made by the Marketing Officer, Maharajganj in 2013.



6. In any view of the matter, as the petitioner has not been able to establish any legal right nor Bihar Targeted Public Distribution System (Control) Order, 2016 contemplates any provision for transfer, we are not inclined to entertain this writ application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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