

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20673 of 2021

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Fulwar Primary Agriculture Credit Society, registered under Society Registration Act, situated at Fulwar, P.S. Banjariya, District- East Champaran, through its secretary Vinod Rai, aged - 38 years, Male S/o - Ashutosh Kumar, R/o- Village Braham Pura, P.O. - Fulwar, P.S. - Banjariya, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through secretary Food and Consumer Protection Department, Bihar, Patna.
2. The Principal Secretary Food and Protection Department, Bihar, Patna.
3. The District Collector, East Champaran, Motihari.
4. The Sub Divisional Officer, Sadar, Motihari, District East Champaran.
5. The Block Supply Officer, Banjariya, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (AAG 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

2 10-02-2022 Petitioner has prayed for following relief(s) :-

“(I) To quash the order passed by Collector - Cum District Magistrate East Champaran, Motihari dated 15-10-2019 in Appeal No. - 47/2016 whereby and whereunder learned Collector has affirm the order 26/11/2016 passed in irregular Account no. -



23/2016 by S.D.O. Sadar Motihari corresponding to issued order vide Memo No. - 443 dated 28-11-2016.

(II) To quash the order passed by Sub-divisional Officer, Sadar Motihari, Cum Licensing Authority dated 26.11.2016 and direct the respondent to restore the license and resume supply of commodities for public distribution.

(III) To hold and declare that the cancellation of license of the PACS by the licensing authority is illegal, unauthorized and arbitrary in view of the fact that the petitioner has not violated the terms and condition of the license nor had failed to fulfill the responsibility and obligation as provided under section 14 read with rule 27 of the Bihar Targeted Public Distribution Shop (Control) order 2016 (Hereinafter referred to as order/Rules).

(iv) To pass any other order/ orders, writ/ writs, direction/directions as deem fit and proper.”

After the matter was heard for some time, finding the Bench not to be in favour of the submission made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petition may be permitted to withdrawn reserving liberty to file afresh on the same and subsequent cause of action, if so required and desired.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

Also liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

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