

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3241 of 2022

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Dharmendra Tiwari Son of Late Narmdeshwar Tiwari Resident of Village-
Tadwan Khurd, Samatad, Police Station- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 13-01-2023

Heard Mr. Ajay Kumar Pandey, learned Advocate

for the petitioner and Mr. Upendra Pratap Singh for the

State.

The writ petition has been filed by Dharmendra

Tiwari, the Chairman of the Tadwan PACS which was

granted the Institutional License under the Public Distribution

System.

It appears that the petitioner being the Chairman

of the aforesaid PACS was made an accused in a criminal



case, but the license of the PACS was neither suspended nor cancelled, but the supply of the foodgrains was stopped.

It was under such circumstance that the present petition was filed, seeking a direction to the authorities to resume the supply line to Tadwan PACS as a licensee.

The initial response of the State was that since its an Institutional License, if the Governing Body of the PACS choses some other persons to become the Chairman to operate as a licensee, the Authority shall have no problem in resuming the supply line.

Pursuant to the aforementioned stand of the State, a supplementary affidavit has been filed on behalf of the petitioner stating that the Governing Body of the Tadwan PACS has nominated one Kumari Rubi Pandey, wife of Nagendra Tiwary, as the Manager of PACS who would be authorized to operate as an agent of the Institutional License given to Tadwa PACS.

In view of this affidavit containing the aforementioned fact, the matter is remitted to the Licensing Authority to take a decision whether to accept the decision of the PACS for



continuing with the license and resuming the supply line.

Be it noted that at one point of time, the authorities were inclined to consider the cases of PACS for resumption of supply line in case the Governing Body of the PACS changed its Chairman for the needful.

For the aforementioned reason, we remit the matter to the Licensing Authority to verify and ascertain the facts and pass necessary orders in accordance with law and the notification of the Government in that regard.

Let that be done within a period of 60 days from the date of receipt/production of a copy of this order.

With the aforementioned observation/direction, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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