

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11954 of 2023

=====

Shambhu Sharan Singh Son of Late Lal Bihari Singh, Resident of Village-
Kurur, Police Station- Karakat, District- Rohtas ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub-Divisional Magistrate-cum-Licensing Authority, Bikramganj, District- Rohtas.
4. The Assistant District Supply Officer, Bikramganj, District- Rohtas.
5. The Block Supply Officer, Karakat, District- Rohtas.
6. Harendra Prasad Singh, Dealer, Public Distribution System, Licence No. 29/07, Village- Kurur, Panchayat- Chiksil, Police Station- Karakat, District- Rohtas. ... Respondents

=====

Appearance :

For the Petitioner : M/s Jitendra Prasad Singh and
Rajeev Kumar, Advs.
For the Respondents : Mr.Arvind Ujjwal (Sc4)

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 16-10-2023 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s) :

“..... for issuance of an appropriate writ or writs directing the respondent Licensing Authority to cancel the licence of Public Distribution System of Respondent No.6 bearing License No.29/07 in exercise the power under Rule 27 of the Bihar Targeted Public Distribution System (Control) Order,2016 hereinafter referred to as the Control Order, 2016 for violation of the terms and conditions of the licence as well as duties and responsibilities of the licensee prescribed Under Rule 14 of the Control Order, 2016 and/or to grant of any other relief/reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.”



3. Learned counsel for the petitioner has stated that the petitioner is a consumer who is aggrieved by the inaction of the official respondents in taking action against the Respondent No. 6, who is PDS license holder. Learned counsel has stated that though the petitioner has made several complaints to the authorities, the authorities are not taking any action for cancelling the license of the Respondent No. 6. Though an enquiry was held and it was found that the license of the Respondent No. 6 is liable to be cancelled the authorities till date have not passed any order cancelling the license of the Respondent No. 6 but only issued a warning to the Respondent No. 6. Therefore, learned counsel has sought direction from this Hon'ble Court to direct the authorities to take necessary action against the Respondent No. 6 by cancelling his license.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the Writ Petition and stated that the petitioner does not have any locus standi to file the present Writ Petition. Learned counsel has stated that the petitioner cannot be termed as an aggrieved party, therefore, the question of invoking the jurisdiction of this Court under Article 226 of the Constitution of India does not arise. That the petitioner is only a consumer of



the PDS (ration) shop operated by the Respondent No. 6 and if he has any grievance he can ventilate his grievance before the Sub Divisional Officer and in this case the Sub Divisional Officer duly taking into consideration the complaint of the petitioner has taken necessary action against the Respondent No. 6 by cautioning him. That once the consumer gives a complaint to the authority concerned about any discrepancies or illegalities committed by the license holder, the role of the consumer ends and it is for the authorities to take necessary action as they deem fit and in this case the authorities have already taken action, therefore, the present Writ Petition filed by the petitioner is a misconceived and liable to be dismissed at the thresh-hold.

5. Admittedly, in the present case the petitioner is one of the consumers of the Respondent No. 6 shop. As the petitioner had some grievance against the Respondent No. 6 he has made a complaint to the authorities concerned. Duly acting on the complaint the authorities have taken necessary action by cautioning the Respondent No. 6. As rightly pointed out by the counsel for the respondents the role of a consumer comes to an end as soon as the complaint is made and action is initiated against the PDS Dealer by the authorities. The petitioner by no



stretch of imagination can be called as an aggrieved party.

6. In the judgment passed by the Hon'ble Allahabad High Court in the case of **Babban Vs. State of U.P. and 4 others** reported in **2019 SCC Online All 5063** relying on a Division Bench judgment of the very same Court has held as under:

“Division Bench Judgement of this Court in the case of Dharma Raj Vs. State of U.P. and Others 2010(2) AWC 1878 and another judgement of this Court in the case of Sriram Prasad and Another Vs. State of U.P. and Others 2016 (6) ADJ 122 wherein this Court has held that complainant has no locus standi to challenge the order of appellate authority as none of his personal statutory rights are affected.”

Further at Para 11, it has been held as under;

“This Court in the case of Dharam Raj (supra) has held that complainant is not an aggrieved person and as such, he has no locus standi to file the writ petition. Paragraph 16 and 17 of aforesaid judgment is extracted herein below:-

“16. The view taken by us that that the petitioner is not a person aggrieved, thus he has no locus standi to file the present writ petition thereby challenging the order dated 16.03.2009 passed by Sub-Divisional Magistrate, Jai Singh Pur, district Sultanpur is also supported by the decision of this Court in the case of Suresh Singh v. Commissioner Moradabad Division, 1993(1) AWC 601, where it was held that in an inquiry under Section 95 (g) of the U.P. Panchayat Raj Act, 1947, the complainant who was Up-Pradhan could be a witness in an inquiry but had no locus standi to approach this Court against the order of the State authorities, for the reasons that none of his personal statutory right are affected.”



7. Having regard to the above mentioned facts and the law laid down in the above cited judgment, this Court does not find any merit in the present Writ Petition which warrants any interference or for grant of the relief sought for by the petitioner.

8. The Writ Petition is devoid of merits and the same is **dismissed**.

(A. Abhishek Reddy , J)

Shamshad/-

U			
---	--	--	--

