

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.25176 of 2019**

=====

Parikshan Paswan @ Parichhan Paswan Son of Ram Prasad Paswan@Prasad Hajra, Resident of Village- Kasba, P.S.- Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, District- East Champaran, Motihari.
3. The District Supply Officer, Motihari, District- East Champaran, Motihari.
4. The Sub-Divisional Officer, Sadar, Motihari, District- East Champaran, Motihari.
5. The Block Supply Officer-Cum-Block Development Officer, Sadar, Motihari, District- East Champaran.
6. The Certificate Officer, East Champaran, Motihari.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Vikash Kumar Pankaj  
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

=====

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**and**  
**HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

3      02-02-2023                      Heard learned counsel for the petitioner and the State.

The petitioner was a licensee under the Control Order, 2001. Way back in the year 2011, for irregularities having been discerned in his functioning as a PDS dealer, his license was cancelled and the petitioner was directed to deposit an amount of Rs. 7,08,402.60 which was given to



the petitioner.

Against such a direction, the petitioner had earlier moved before this Court vide C.W.J.C. No. 1444 of 2012, which was remanded to the District Magistrate, Motihari for taking a fresh decision in this regard.

Thereafter, the petitioner filed Supply Appeal No. 06/2012 before the District Magistrate, East Champaran, Motihari, challenging the demand of Rs. 7,08,402/- and for restoration of his P.D.S. license.

During the pendency of the aforesaid Supply Appeal, the petitioner again approached this Court vide C.W.J.C. No. 21777 of 2013 with a prayer for direction to the respondent District Magistrate, East Champaran, Motihari to dispose of the Supply Appeal No. 06/2012. That writ petition was disposed of vide order dated 07.10.2015 with a direction to the District Magistrate, East Champaran, Motihari to dispose of the said appeal within a period of three months.

The District Magistrate, thereafter passed an order dated on 04.03.2014 in said Supply Appeal No.



6/2012 by which, he remanded the matter to the Certificate Officer for recovery of the amount in question.

The petitioner, thereafter, deposited the entire amount due against him and the same was also communicated to the District Magistrate.

It has been urged on behalf of the petitioner that despite deposit of the entire amount due against him, the P.D.S. license of the petitioner has not been restored; rather the District Magistrate, East Champaran, Motihari vide his order dated 25.06.2019, finally disposed of the Supply Appeal Case No. 06/2012, by which, he again remanded the matter to the concerned Certificate Officer and no decision for restoration of his license was taken.

In the interregnum, a new Control Order, 2016 came into existence [refer to Bihar Targeted Public Distribution System (Control) Order, 2016.] This was promulgated on 14th of March 2016. The licencees of the earlier Control Order were required to get their licence converted under the provisions of the Control Order, 2016 within six months from the date of its commencement,



after paying the requisite licence fee through treasury challan [refer to Clause 13 of the Control Order, 2016.] Because of the cancellation of the licence of the petitioner before the promulgation of Control Order, 2016, the licence could not be renewed. Perhaps for the reason of seeking benefit of continuity of licence, the present petitioner chose to pursue the matter before the Collector pursuant to the remand by this Court.

The afore-noted reasoning may not be correct as cancellation of licence involves stigma and the petitioner definitely has a right to have it obliterated for sentimental or practical reasons, but we find that with the passage of time and the circumstances enumerated above, this litigation by the petitioner would be futile as the result of it, positive or negative, would never enure to the benefit of the petitioner. Neither can the petitioner claim continuity of the licence for it to be renewed under the new Control Order, 2016. The question then is the justification of allowing a proceeding of this kind to be continued at any forum, if the end result gives no benefit to anybody.



We, therefore, declare that this effort of the petitioner would lead to no benefit to him, whatever be the result of such litigation, and restrain ourselves from passing any order in the present writ petition.

It would only be advisable for the petitioner to apply for licence afresh, in case it is advertised, when he will have to stake his claim on his own qualification and capabilities. That he was earlier a licensee under the P.D.S. scheme, which licence was cancelled, would neither be read in favour or against the petitioner.

The petition stands disposed of.

**(Ashutosh Kumar, J)**

**( Satyavrat Verma, J)**

sharun/-sunil

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

