

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5980 of 2023

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Yogendra Prasad Resident of Village- Sandohara Bhadhokhara, P.S.-
Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Sub Divisional Officer, Nawada.
4. The District Cooperative Officer, Nawada.
5. The Parama Primary Agriculture Society Ltd. Sandohara, Nawada.
6. Abhimanu Kumar S/o Shivdani Prasad, R/o Village and Panchayat Parma, Prakhand - Nardiganj, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad (Aag 5)
		Mr. Alok Ranjan, Adv.
		Mr. Anisul Haque, Adv.

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

13 22-03-2025 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following
relief(s):-

“(i) For issuance or writ in the appropriate nature for quashing of the order contained in Memo No. 256 dated 28.1.2023 issued under the signature of the Sub-Divisional Officer, Town Nawada whereby and where under the Sub-Divisional Officer-cum-District



Supply Officer, Town Nawada has rejected the claim of the petitioner for continuation of PDS license of the petitioner being Licence No. 03/1997 though it appears that the Sub-Divisional Officer-cum-District Supply Officer, Town Nawada without considering that there are two licence on PDS Licence No. 03/1997 in the name of the petitioner on the personal capacity though he was member of the Parama Primary Agriculture Society whereas another Licence No. 07/2007 was in the name of PACS which was to be operated by the elected Chairman of the said PACS but the District Supply Officer considering wrongly that the petitioner claiming to be Licence of 07/2007 has rejected the claim of the petitioner.

(ii) For further direction to the Respondent authorities to consider afresh as the Licence No. 03/1997 was granted to the petitioner under individual capacity though at the time of allotment of licence he was member of the PACS too.”

3. It is the case of the petitioner that the authority without considering the fact that the petitioner has been named as the authorised person in charge of the Parama Primary Agriculture Cooperative Society and the license has been granted in his favour has wrongly rejected the claim of the petitioner for continuation of the PDS license. Learned counsel



has stated that initially license was granted in the name of the Parama primary Agriculture Society being License No. 03 of 1997 and thereafter in the year 2007 another license was issued in the name of the very same PACS but represented by the petitioner herein. Learned counsel has stated that the authority cannot take away the right of the petitioner to operate the PDS license once he has being shown as the operator (Sanchalak) of the said society. The District Supply Officer without considering the claim of the petitioner has rejected the case in a mechanical manner. Learned counsel has therefore prayed this Hon'ble Court to set aside the impugned order and allow the present writ petition.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the license was issued in the name of the PACS and not in the individual capacity of the petitioner. That the petitioner was only acting on behalf of the PACS as an operator (Sanchalak) and the license was not given in his individual capacity. Learned counsel has drawn the attention of the court to the various letters more specifically License No. 03/1997 and License No. 03 of 2007 filed along with the counter affidavit to



buttress his contention that the license was issued in the name of the PACS and not in the individual name of the petitioner. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. A perusal of the documents filed by the petitioner as well as the respondents authority along with its counter affidavit reveal that the license was issued in the name of PACS represented by the petitioner. When the license was issued in the name of the PACS, the petitioner merely because he is representing the said society cannot claim that the license is issued in his individual capacity. The operation of the license given to a PACS will be done by individual who is a member of the PACS and only in that capacity the name of the petitioner has been written in the license. Merely because his name is shown in the license to act on behalf of the PACS, it cannot be said that the petitioner will have any vested right to continue to operate the license forever. At the most, the petitioner can only operate the license as long as he has been given the necessary authorization by the PACS or has been elected as a president of the PACS. Having regard to the same, this Court does not find any infirmity or illegality in the impugned order which warrants any infirmity.



6. The present writ petition is accordingly dismissed.

(A. Abhishek Reddy , J)

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